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Held at the Palais des Nations, Geneva,
on Tuesday, 11 April 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-12658 (E)

The meeting was called to order at 3 p.m.

STATEMENT BY MRS. OGATA, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. Mrs. OGATA (United Nations High Commissioner for Refugees) said that, as ever-increasing numbers of people were fleeing from war, violence and persecution, the need for the Commission on Human Rights to address the underlying causes of mass exodus and displacement of individuals was greater than ever.

2. The reports of the various experts of the Commission had highlighted the appalling violations of human rights and humanitarian law occurring in almost every region of the world and which had forced hundreds of thousands of people to seek asylum in neighbouring countries and had displaced millions of others within their own countries.

3. The internal conflicts which were giving rise to those humanitarian crises were often related to deep divisions between ethnic communities, compounded by struggles for the control of natural and economic resources. This was particularly apparent in Central Africa, where every country without exception had experienced or was still experiencing humanitarian crises. Currently the cases of Angola, Burundi and the Democratic Republic of the Congo could be mentioned. But the problem was not specific to Africa. In the Balkans, and particularly in Kosovo, relations between the different ethnic communities were marked by hate and violence.

4. The situations of refugees and those of internally displaced persons were similar everywhere. The causes and consequences of displacements, and the humanitarian needs of the populations affected, were identical. It was therefore not surprising that the HCR's activities on behalf of the internally displaced should have increased dramatically. The HCR was currently providing protection and assistance not only to 17 million refugees and returnees but also to 5 million internally displaced people. However, it knew from experience that it was sometimes more difficult to deal with internally displaced people than with refugees who crossed borders; civilians fleeing within a country tended to make for isolated, dangerous and relatively inaccessible areas, and the authorities, which often had a substantial measure of responsibility for the situation of the persons concerned, tended to complicate the task of the assisting agency.

5. The North Caucasus illustrated the problems hampering the provision of assistance and protection to displaced persons. The HCR had established a presence there in 1995, but had withdrawn from the region following the kidnapping of the head of the HCR office in Vladikavkaz in 1998. In 1999, following the resumption of hostilities, HCR, at the request of the Republics of Daghestan and Ingushetia, had again intervened to provide emergency relief to over 200,000 Chechen refugees in the two republics.

6. The HCR was one of the few organizations operating in the North Caucasus. But its work was hampered by a lack of security. The staff were in fact based, not in Chechnya, but in the neighbouring republics. Humanitarian assistance was considerably weakened by that situation. However, HCR had been able to identify the problems and was seeking, together with the authorities, to overcome them.

7. The excessive use of force against civilians had always been a primary concern of the United Nations. For that reason the Secretary-General had in September last appointed Mrs. Ogata his special envoy to the Russian Federation to examine the humanitarian consequences of the conflict. Mrs. Ogata and her colleagues had been able to organize the passage of humanitarian convoys into the North Caucasus region, including Grozny. She had appealed to the then Prime Minister, Mr. Putin, to spare the lives and respect the rights of civilians; she had also asked for the frontiers to remain open so that persons threatened could find safe havens outside the areas of conflict.

8. One of the main objectives of the HCR had always been to find safe and permanent solutions to the situations of displaced persons and to ensure that no one was forced to return to Chechnya. To that end it had strengthened its protective presence on the ground insofar as its staff members were not endangered thereby. That presence would be particularly important inasmuch as the numbers of persons wishing to return to Chechnya were increasing. However, as with all population displacements, it was the responsibility of the national authorities to provide aid and protection to returnees. If confidence were to be restored the reports on the presumed violations of human rights and humanitarian law committed by the Russian Federation had to be handled with the utmost transparency.

9. The problem of internal displacement illustrated the distinct but nonetheless complementary mandates of humanitarian agencies and mechanisms for the defence of human rights. Each year the HCR monitored the implementation of legal standards, insisting, naturally, on the fundamental nature of the right of asylum, which was the cornerstone of refugee protection. However, being a humanitarian organization, it approached that task not so much through advocacy as by being present side by side with the persons it was defending - in other words, through its "protection operations". The protection of refugees and the improvement of their lot involved ensuring that their material needs were met, providing counselling and alleviating their traumas, helping them to become self-sufficient and ensuring that the communities hosting them did not develop hostility towards them. Special attention had to be paid to the most vulnerable - women, children and the elderly.

10. Human rights organizations, and particularly the mechanisms set up by the Commission on Human Rights, were playing an extremely important role which complemented that of the HCR. Those bodies drew the attention of international public opinion to the human rights violations which caused refugee outflows, thus encouraging the adoption of corrective measures. They were also concerned with legal questions - compensation for victims and the prosecution and punishment of the presumed perpetrators of crimes. With that complementarity in mind, the HCR intended to continue to cooperate with the Commission on Human Rights, the High Commissioner for Human Rights and with the representative of the Secretary-General on Internally Displaced Persons, in particular by exchanging views and pooling information in order to find lasting solutions and averting further crises.

11. Restoring judicial systems, or establishing new ones, and the prosecution of perpetrators of crimes against humanity were of course extremely important tasks. But it was necessary to go further and encourage divided populations to learn to "coexist". The first stage had to be one of "coexistence" rather than "reconciliation", because after such tragedies the former objective was less ambitious and more realistic. Eventually coexistence could lead to reconciliation - the

common aim of humanitarian agencies and human rights mechanisms. The HCR was endeavouring to promote coexistence by creating community projects involving the participation of different ethnic groups (as in Bosnia) and encouraging women to take up activities which would build bridges between communities (as in Rwanda, Bosnia, Kosovo and Afghanistan).

12. She urged that many more efforts of this kind be made before the situation deteriorated to the point where the only possible outcome would be conflict and displacement of populations. In that context she fully supported the High Commissioner for Human Rights, who at the beginning of the current session had stressed the need to direct the efforts of the international community more towards conflict prevention. Within that comprehensive strategy all the actors concerned - in the humanitarian field, in that of human rights and in the economic and political sectors - could make a contribution to the whole.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (Question of Chechnya)

13. Mr. KALAMANOV (Russian Federation), speaking as Special Representative of the President of the Russian Federation on matters concerning the protection of human rights in Chechnya, explained that one of his principal functions was that of cooperation with intergovernmental and non-governmental international organizations with the aim of protecting human rights in that Republic.

14. On 5 April last Mrs. Mary Robinson, High Commissioner for Human Rights, had reported on her visit to the North Caucasus. In that connection, the Russian Federation had given proof of its willingness to enter into dialogue. Unfortunately, when the High Commissioner described her mandate, she failed to mention certain essential provisions of United Nations General Assembly resolution 48/141, such as respect for territorial integrity and national jurisdiction and impartiality and objectivity.

15. Federal States had an obligation to defend human rights throughout the whole of their territory. For many years, trafficking in slaves, extrajudicial executions, torture and enforced displacements had been taking place in the Chechen Republic. The extension of those activities to the neighbouring republics had compelled the Russian Government to intervene to restore order and put an end to terrorism and hostage-taking.

16. In 1995 and 1996 the Commission on Human Rights, in the statements made by its chairpersons at the time, had referred to the need to continue consultations with the Government of the Russian Federation, in particular to promote measures which would restore confidence in respect of human rights. Subsequently, however, the High Commissioner had lost all interest in the situation in Chechyna. At that time, however, some 500,000 persons had been expelled from Chechnya, and other serious violations of human rights had occurred there. Nevertheless, the High Commissioner and the entire human rights community had remained silent.

17. The kidnapping of the regional representative of HCR in the Northern Caucasus had given rise to some agitation, but nobody had paid any attention to the hostage-taking or the terrorist acts which had caused the deaths of hundreds of innocent people. Concern did not

develop at the international level until after the anti-terrorist operation had been launched. What interest was it sought to serve by expressing those concerns? "Numerous allegations of serious violations of human rights" appeared to have compelled the High Commissioner to make a public statement. That statement, and other expressions of concern, coincided with the broadcasting of a film on alleged mass executions of civilians in Chechnya on a German television channel. When that channel admitted that the film was a forgery, the senior officials responsible for human rights made no comments.

18. As regards the "first-hand" information which, according to the High Commissioner, demonstrated that serious violations of human rights had been committed by the federal forces, there were legitimate grounds for querying the plausibility of the examples quoted. In particular, it was to be wondered how a woman who had allegedly received several bullet wounds and been burnt by Russian soldiers had been able to survive, and even to give a full account to the High Commissioner. Curiously enough, the report entitled Killings of civilians in the Staropromyslovsky district of Grozny, published by Human Rights Watch, contained an identical story. Everything had been done to respond to the wishes of the High Commissioner during her stay in Russia, but "it had been impossible to show her the filtration camps" for the very good reason that there were none. The situation in the region was extremely difficult. He therefore requested the High Commissioner and the members of the Commission not to draw hasty conclusions and not to give credence to mendacious rumours and allegations. The activities of the Office of the High Commissioner for Human Rights in member States had to comply with national legislation. It was high time to begin a serious discussion on the working methods of the High Commissioner when dealing with what were referred to as "urgent situations".

19. The Russian Federation would continue to pursue its policies in Chechnya, namely the eradication of international terrorism, the search for a lasting political solution, the restoration of legality, the protection of human rights and the restoration of economic and social life in that country. All assistance in the pursuit of those ends would be welcome.

20. Mr. MENDONCA E MOURA (Portugal), speaking on behalf of the European Union, said that the latter supported the conclusions of the report of the High Commissioner on her visit to Chechnya. The European Union was particularly concerned by allegations of large-scale violations of human rights, including mass killings, extrajudicial, summary and arbitrary executions, violence against women, torture, arbitrary detention and pillage. The fact that certain criminal prosecutions had been initiated was encouraging; but the Union considered that a different level of response was needed.

21. The European Union called upon the Government of the Russian Federation urgently to establish a national, broad-based and independent commission of inquiry to establish the truth and identify the persons responsible, with a view to bringing them to justice. It also called on the Russian authorities to abide by their commitments, and particularly those accepted within the framework of the Council of Europe and the OSCE. It was looking forward to the visit to the region which the current President of the OSCE was to make on 14 and 15 April to prepare for resumption of the activities of the Assistance Group in Chechnya. It strongly urged the Russian authorities to put an end to the disproportionate use of force, and particularly to attacks on civilians.

22. The European Union was also deeply concerned by the attacks against civilians and the crimes committed by the Chechen fighters. It deplored the suffering inflicted on the civilian population by all the parties to the conflict and urged them to take immediate steps to bring an end to hostilities and to begin negotiations with the aim of arriving at a peaceful solution which would fully respect the territorial integrity and the Constitution of the Russian Federation.

23. The European Union called on the Russian authorities to allow all the competent international agencies and observers to perform their missions freely and in complete safety. It also encouraged them to enter into an open and constructive dialogue with the international community on the subject of violations of human rights and international humanitarian law in Chechnya. In that connection it welcomed the preliminary agreement concluded between the Russian authorities and the International Committee of the Red Cross authorizing the latter to enter Russian detention camps freely and in complete safety.

24. The European Union also welcomed the invitation extended by the Russian Government to the High Commissioner to make a return visit in two or three months' time. It stressed the importance of effective cooperation with the mechanisms of the Commission on Human Rights and urged the Russian authorities to accept the requests already made to it or which might be made to it in that field.

25. The European Union would continue closely to follow the situation in Chechnya. It thus attached importance to a future report by the High Commissioner and the reports prepared by the special mechanisms. It remained convinced that the Commission on Human Rights had a vital role to play.

26. Mr. SOMOL (Czech Republic) stated that his country had already condemned on several occasions the violations of human rights committed in Chechnya. However, his country noted with approval the measures taken by the Russian Federation, and in particular the establishment of the office of the Special Representative of the President for Human Rights.

27. The Czech Republic was in favour of coordinated action by the international community under the leadership of the United Nations, the Council of Europe or the OSCE. In that context it approved the measures taken by the Council of Europe and welcomed the mission recently undertaken in Chechnya by its High Commissioner, Mr. Gil-Robles. It considered that the decision of the Parliamentary Assembly of the Council of Europe to suspend the voting rights of the Russian Federation was an appropriate one in view of the seriousness of the situation in Chechnya.

28. The Czech Republic was glad that the High Commissioner for Human Rights had succeeded in visiting the North Caucasus a few days earlier. It was alarmed by the large-scale violations of human rights of which she had been informed. It regretted that the High Commissioner had been unable to visit some extremely important places or to talk with representatives of certain NGOs, and also that she had been unable to meet the President of the Russian Federation. Although firmness was a necessity in such situations, the Russian authorities should not interpret that as interference, but rather as an encouragement to seek a solution.

29. The Czech Republic fully identified itself with the conclusions reached by the High Commissioner following her mission. It was in favour of an in-depth investigation of violations committed and considered that those responsible for atrocities should be brought to justice, irrespective of the side they were on. It unreservedly supported the idea of setting up an independent commission of inquiry with technical support from the Office of the High Commissioner. The United Nations mechanisms responsible for the protection of human rights should be fully involved in the process.

30. In the humanitarian field it was essential that both international and national organizations should be able to operate not only in Chechen territory but also in the neighbouring republics, and in particular in Ingushetia. The Czech Republic welcomed the authorization to enter Chechnya extended by the Russian authorities to the International Committee of the Red Cross and hoped that other bodies would also operate in the region. His country was ready to come to the aid of victims and had begun to do so by organizing the first foreign humanitarian aid convoy to reach Grozny in the previous month.

31. Ms. RUBIN (United States of America) said that the United States Government had welcomed Mrs. Robinson's visit to Russia and strongly supported her approach. It shared her serious concerns about the situation in Chechnya and the violations of human rights and humanitarian law committed both by the Russian army and by the Chechen forces.

32. The United States Government recognized Russia's right to defend its territorial integrity and to protect its population against terrorist acts and attacks from insurgent groups. However, it condemned the methods resorted to, considering that security consideration in no way justified the massive use of force against civilians. The atrocities committed in Chechnya were hindering the process of democratization in Russia and were damaging its reputation in the eyes of the world. Grozny was now in ruins, and its reconstruction, like that of Chechnya as a whole, would require an enormous amount of time and money.

33. The decision of the Russian Government to accept the visit of the High Commissioner for Human Rights was worthy of praise. On the other hand, it was regrettable that the Russian authorities had not given her access to all the sites she wished to visit. That stood in contrast with the positive measures taken just before her arrival, when President Putin had agreed to facilitate the return of the International Committee of the Red Cross and the OSCE Assistance Group to Chechnya and to include experts from the Council of Europe in the team of the Special Representative for Human Rights in Chechnya.

34. Russia had begun to take certain steps in response to the concerns of the Commission, but the United States Government shared the concern of the High Commissioner in her report where she questioned whether the steps taken were commensurate with the violations of human rights described. The war in Chechnya had already seriously damaged Russia's international standing. The Russian authorities could either endeavour to repair that damage or choose to isolate the country still further.

35. Measures must be taken to establish the truth and to call those responsible to account. As the High Commissioner had pointed out in her report, the Special Rapporteurs and the Special Representatives could play an important role in informing and advising the Commission.

Cooperation with the Commission's mechanisms was thus essential. However, a knowledge of the situation was not sufficient to bring the perpetrators of violations of human rights and international humanitarian law to account for their actions. To achieve that end, Russia must immediately undertake, in cooperation with international bodies and experts, a transparent, impartial and independent investigation of all the charges, particularly those associated with Alkhan-Yurt, Staropromyslovsky and Aldi. The appointment of a Special Representative of the President for Human Rights in Chechnya was a first step, but his mandate must be clearly defined.

36. The United States Government would support the establishment in Russia of an independent national commission of inquiry with international participation. Unless the Russian Government moved swiftly to take the necessary measures, it would have difficulty in regaining the trust of the international community.

37. Mr. HYMES (Canada) expressed his country's deep concern about the humanitarian crisis in Chechnya and the alleged abuses committed by the parties to the conflict. Canada was pleased that the High Commissioner had been able to visit the region and hear the testimony of the victims.

38. It was the responsibility of the Russian authorities to take effective measures to end the human rights abuses in Chechnya, which could not be justified by any security considerations. They should also punish past violations, and particularly the murder of the Canadian nurse Nancy Malloy and her five ICRC colleagues in December 1996.

39. Canada considered the appointment by Russia by a Special Representative for human rights in Chechnya, its agreement to cooperate with the NGOs in investigating human rights violations and the opening of its own investigation into some of the crimes alleged to have been committed by its military personnel in Chechnya to be encouraging signs. Only an open and comprehensive investigation would permit progress towards a peaceful solution.

40. The international community had a crucial role to play in ensuring the credibility of the process in the eyes not only of international observers but also of Russian citizens in Chechnya. Canada emphasized the importance of international experts in any commission of inquiry which might be set up and consequently welcomed the willingness to admit international observers into the region shown by the Russian authorities. He also hoped that the High Commissioner would be able to return to the region in a few months' time, as the Russian authorities had invited her to do. It would also be desirable for the Special Representative of the Secretary-General for internally displaced persons and the Special Rapporteur on extra-judicial, summary or arbitrary executions should be able to undertake missions to the region as recommended by the High Commissioner.

41. Mrs. Robinson had fully discharged her mandate by going to Chechnya with all dispatch and submitting a report containing recommendations, including a recommendation for the establishment of an independent commission of inquiry with international participation. The Commission and its members now had the task of living up to their responsibility.

42. Mr. AKRAM (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference, stated that the members of the OIC had listened attentively to Mrs. Robinson's report on her visit to Chechnya and hoped that that visit would be followed by a return visit to the region. In that connection they had taken note of the invitation extended to Mrs. Robinson by the Russian authorities.

43. The member States of the OIC endorsed the recommendations of the High Commissioner, namely that the Government of the Russian Federation should abstain from using heavy weaponry in densely populated areas and that any resolution of the conflict should include provisions for the rebuilding of the country's infrastructures, the restoration of economic life and a return to long-term stability. Like Mrs. Robinson, they requested authorization for humanitarian aid organizations to conduct operations in Chechnya freely and in safety. The Russian Federation should establish a broadly representative and independent national commission of inquiry to look into the serious violations of human rights committed in the region. The United Nations mechanisms for the protection of human rights should be able to operate in Chechnya with the full cooperation of the Russian authorities.

44. The OIC member countries, while respecting the principle of the sovereignty and territorial integrity of the Russian Federation, called for the adoption of the following concrete measures: the cessation of military operations, the release of prisoners and hostages, the safe return of refugees and displaced persons, the declaration of a general amnesty, the commencement of dialogue with the Chechen representatives, the separation of powers between local and federal authorities in accordance with the 1996 Accord, a granting of guarantees to the Chechens regarding religious practices and, finally, the reconstruction of Chechnya. Several member States of the OIC were in fact already providing humanitarian aid for the Chechen civilian population.

45. Mr. SKOGMO (Norway) congratulated Mrs. Robinson on the exceptional clarity with which she had described the nature and the scale of human rights violations in Chechnya. As in many conflicts, crimes and atrocities had been committed by both sides. Although there was no sympathy for terrorists, it had to be recognized that the Government of the Russian Federation was giving the impression of not having taken the necessary steps to deal with those violations. The Norwegian delegation therefore approved the proposal that the Russian Government should set up an independent national commission of inquiry in Chechnya; the Office of the High Commissioner for Human Rights should offer all necessary assistance in that regard. Norway hoped that the Russian Government, which had shown open-mindedness on the subject, would invite the different mechanisms of the Commission - and in particular special representatives and special rapporteurs - to go to Chechnya to assist with the inquiry. Norway also hoped that Russia would take advantage of the assistance offered by the Council of Europe, the International Committee of the Red Cross and the OSCE.

46. Mr. BAUMANIS (Latvia) said that Mrs. Robinson's report had confirmed information received from other sources regarding the scale of human rights violations in Chechnya. Latvia certainly did not question the responsibility of the Russian Federation to preserve its territorial integrity and to prevent the spread of terrorism. Even so, it could not accept attacks by the Russian armed forces on the civilian population. The statement by Mr. Kalamanov had offered

little in the way of precise information on the measures taken by the Russian Government in response to the scale of the abuses committed in Chechnya. The truth was that the displaced persons could no longer even return to their country, which was in ruins.

47. The Commission on Human Rights should obtain from the Government of the Russian Federation an assurance that its armed forces would henceforth comply with the provisions of international law vis-à-vis the Chechen civilian population and that violators would be brought to justice. In addition, the Russian Federation should apply the OSCE code of conduct concerning the political and military aspects of security. Finally, the Russian Government should establish a national commission of inquiry and invite the mechanisms of the Commission on Human Rights to establish a presence in Chechnya. With the aims of transparency and complementarity in view, an agreement should be concluded between that commission of inquiry and the human rights mechanisms of the Commission. In particular, the latter could act as intermediaries between complainants and the commission of inquiry.

48. Ms. KUNADI (India) said that her country had consistently condemned international terrorism, denounced the links between terrorism and organized crime (including drug trafficking) and repeatedly highlighted the need for effective international cooperation to eradicate that global menace. The international community was accumulating more and more information on the origins of those terrorists, their sources of financial and other support and the camps in which they were trained. India regarded the events which had occurred in the North Caucasus region of the Russian Federation as a manifestation of international terrorism. It was the responsibility of the Government of the Russian Federation to determine the measures to be taken to protect the constitutional order and the territorial integrity of the country. The Indian delegation, like the High Commissioner for Human Rights, recognized that the primary responsibility for taking measures to deal with allegations of violations of human rights in Chechnya rested with the Russian authorities. In that connection it noted that the Russian Federation had never concealed the truth on that subject and was not restricting access to the regions. Since the Russian Federation had expressed its intention to remain open to dialogue on the subject, the Indian delegation hoped that the Commission on Human Rights would encourage that positive trend and refrain from any steps of a nature to complicate still further an already complex situation.

49. Mr. LI Baodong (China) said that his Government appreciated the open and transparent attitude adopted by the Government of the Russian Federation on the subject of the Chechnya issue. The invitation extended by the Government of the Russian Federation to Mrs. Robinson to visit the region and subsequently to report the findings of her mission to the Commission on Human Rights had been a positive gesture. China had always been opposed to terrorism of any kind, religious extremism and ethnic separatism and understood and supported the efforts of the Russian Government to safeguard the national unity of the country, its territorial integrity and its social stability. It therefore supported the measures which that Government had had to take in Chechnya to achieve those objectives. In conclusion, the Chinese Government considered that the Chechnya issue formed part of the internal affairs of the Russian Federation and that the latter was capable of settling the problems arising in that area in an appropriate fashion.

50. Mr. NORDMAN (Observer for Switzerland) said that his country had noted with satisfaction that a constructive dialogue was developing between the Russian authorities and the

High Commissioner for Human Rights, Mrs. Robinson. In that connection the statement by Mr. Kalamanov was encouraging. Likewise, the opening of an Office of the Special Representative of the President for Human Rights and Freedoms in Chechnya was evidence of goodwill. Switzerland was also glad that Russia had accepted visits to the North Caucasus by a certain number of representatives of international organizations and had authorized the ICRC to enter places of detention without being accompanied by witnesses.

51. However, Switzerland was alarmed by the seriousness of the violations of human rights and international humanitarian law said to have been committed by the Russian forces and by the alleged exactions committed by Chechen fighters. As depository of the Geneva Conventions and the additional protocols thereto, Switzerland appealed to the parties in the conflict to respect the relevant rules of international humanitarian law applicable to non-international armed conflicts. In particular, those rules prohibited disproportionate recourse to military force and attacks of any kind against the civilian population. Switzerland also emphasized that the torture of detainees was not acceptable in any circumstances.

52. Switzerland encouraged the Russian Federation to set up an independent national commission of inquiry to ascertain the whole truth concerning those allegations and to bring to trial and punish persons who had committed abuses. The commission should include international experts, since the international element would be an important factor for the evaluation of the efforts to be made. In particular, the commission of inquiry should establish the truth concerning the abuses committed in Alkhan Yurt, the Starosmyslovsky district of Grozny and Aldi. It would be difficult to obtain the trust of inhabitants on account of the violence to which the Chechen population was being subjected. It was therefore essential that the commission of inquiry should take steps to ensure the safety of witnesses, victims and all other persons who might be in danger as a result of making statements.

53. Switzerland asked the Russian Federation to allow the requests of the Special Rapporteurs of the Commission on Human Rights and the representative of the Secretary-General on internally displaced persons to enter the North Caucasus. Those different mechanisms had complementary approaches, and the best way of putting their competence to good use would be to ensure coordination among them and among the various competent bodies of the Council of Europe, the United Nations and the OSCE.

54. Mr. FARREL (Observer for New Zealand) said that his country recognized the legitimacy of the Russian Federation's concern about terrorist activities within its territory. In fact, New Zealanders working in the region had been victims of such activities. However, New Zealand considered that the Russian Federation's reaction had been disproportionate. In that connection the impact on the civilian Chechen population of the operations undertaken by the Russian armed forces was giving rise to serious concern. The New Zealand delegation urged the Russian Federation to comply with its international obligations towards all persons affected by the conflict, it also asked it to set up an independent and credible commission of inquiry. It was true that abuses had also been committed by the Chechen fighters, even so, primary responsibility for addressing violations of human rights in the region rested with the Russian authorities.

55. The situation of internally displaced persons was still a matter for considerable concern. The Government of the Russian Federation should authorize the international relief agencies to administer humanitarian assistance to the population. In that connection, New Zealand urged all parties to ensure the safety of the personnel of those organizations. The delegation also appealed to the Government of the Russian Federation to ensure that all detainees were treated in accordance with the relevant international norms. In that context the recent authorization granting the International Committee of the Red Cross access to detainees in Chechnya was to be welcomed. Finally, in view of the important role which the human rights mechanisms of the United Nations, and particularly the Special Rapporteurs, were called upon to play in the present situation, the New Zealand delegation urged the Russian Federation to respond positively to the requests for authorization to enter Russia sent to it by the latter.

56. Mr. WENAWESER (Observer for Liechtenstein) paid tribute to the High Commissioner for the quality of her report, her total commitment to the cause of human rights and the objectivity she had shown in the performance of her delicate task. Mrs. Robinson's report clearly demonstrated the scale and seriousness of the abuses committed in the North Caucasus region, and particularly in Chechnya, and justified the concern of the Commission as the principal body responsible for the defence of human rights. On two occasions in the past the Commission had taken action on the situation in Chechnya through statements delivered by previous chairpersons. The first armed conflict in Chechnya had led to the signing of an agreement between the two parties, but not to a genuine peace, with the result that the absence of political dialogue and of action in the field of reconstruction and economic development was inevitably to give rise to a resumption of hostilities. It was true that the international community unanimously condemned terrorism in all its forms; however, "terrorism" could not be used as a wholesale label to justify the indiscriminate and disproportionate use of force against an entire civilian population in flagrant violation of the international rules applicable to armed conflicts. The Chechen population was the principal victim of that conflict, and the humanitarian situation there was still disastrous.

57. Only a long-term political solution to the conflict which took into account its underlying causes could prevent a new outbreak of hostilities. The efforts made by the international organizations, and in particular the Council of Europe, the European Union and the OSCE, to find such a solution deserved support. The Commission on Human Rights, in its capacity as the international agency with the most experience in the human rights field, should affirm its leading role in that area by making a clear pronouncement on the situation in Chechnya.

58. Mr. MONTWEDI (Observer for South Africa) was gravely concerned by the continuing violence in Chechnya, and in particular by the reports (including the report of the High Commissioner) denouncing the indiscriminate and disproportionate use of military force against civilians. South Africa called on the two parties to respect their obligations towards the civilian population and to seek a political solution which would bring the bloodshed to an end. It was obvious that the parties to the conflict had not exhausted all possibilities for a peaceful resolution to the conflict and had not made serious attempts to spare civilians. There should be a rigorous and independent investigation of the atrocities committed by the two sides, and those responsible should be pursued and brought to justice. South Africa also associated itself with the calls for the involvement of the thematic mechanisms of the Commission in Chechnya, and in particular the Special Rapporteurs or representatives concerned with internally displaced persons or

reporting on violations of human rights such as extrajudicial or arbitrary executions, torture, violence against women and arbitrary detention. Those persons should be invited to go to Chechnya. Finally, South Africa welcomed the authorization given by the Government of the Russian Federation allowing the ICRC to enter detention centres in order to provide assistance there in accordance with its customary procedures.

59. Mr. NAVIKAS (Observer for Lithuania) stated that since the beginning of the military operations of the Russian Federation in Chechnya, Lithuania had shared the concern of the international community concerning the disproportionate use of armed force in that part of Russia. It associated itself with the statements of the European Union on Chechnya and supported the efforts of the Organization for Security and Cooperation in Europe (OSCE) and other international organizations to provide humanitarian assistance to displaced persons. Lithuania also supported the statement on that agenda item just made by Portugal on behalf of the European Union.

60. In the OSCE Summit declaration made in Istanbul, Russia had undertaken to seek a political settlement of the Chechen question. In fact, no other type of solution would be able to guarantee lasting peace and stability in the North Caucasus. In conclusion, Lithuania expressed the hope that the Russian Federation would continue to cooperate with the international organizations and that it would, as recommended by the High Commissioner for Human Rights, establish a broadly based and independent national commission of inquiry to establish the truth concerning the grave allegations of human rights violations in the region.

61. Mr. YUSHKEVITCH (Observer for Belarus) observed that terrorism was one of the gravest threats to international security. It was continually spreading further; it sought to destroy human rights and fundamental freedoms, and the international community had been called on, in the declaration on the subject, to combine their efforts in combating it. The situation in Chechnya should be evaluated in the light of those considerations. The situation there was extremely complex, and nobody had succeeded in combating organized crime and drug trafficking without causing victims. It was to be regretted that the international community was adopting a double standard in its approach to the Chechen question. That was not the way to contribute to the fight against terrorism.

62. Mr. KOROTAEV (International League for Human Rights) said that, although it was important to establish an international commission to conduct credible investigations into allegations of war crimes committed in Chechnya, it was equally necessary to establish a national commission of inquiry, since no international commission had ever been authorized to work effectively in Russian territory. But that national commission of inquiry should include Russians of eminence and credibility and independent Russian jurists. It should also include representatives of the Memorial Human Rights Centre and the Soldiers' Mothers Committee. It should be completely independent of the bodies appointed by the State or by the Russian Army to handle human rights questions. To be able to act without fear of reprisals it would have to be supported and assisted at all times by human rights militants from throughout the world and by the international human rights bodies. One of the priority tasks of the national commission would be the investigation of allegations of disproportionate and indiscriminate use of force by the Russian Federal Army, the operations of which had been incomparably more bloody than those undertaken by the Chechens; those operations were all the more serious as Russia, as a

signatory State of a certain number of legally binding international instruments, was committed to respect for human rights. The national committee should entrust a different person with the task of investigating complaints concerning the Chechen rebel forces or foreign mercenaries.

63. The International League for Human Rights therefore urged the Commission on Human Rights to adopt a resolution calling on the Russian Federation to cooperate with the Commission's special procedures by inviting the special rapporteurs and representatives to visit Russia and to have unrestricted access to all persons and facilities; urging the international community to facilitate and assist the work of the national commission of inquiry; and spelling out the details of cooperati among all the international organizations involved in human rights investigations in the North Caucasus.

64. Mr. TERASAWA (International Peace Bureau - FIDH) said that the indifference of the international community during the cry for peace and freedom uttered by the mothers of Russian soldiers and Chechen women during the spring of 1995 had enabled Russia to launch with impunity the most brutal campaign ever undertaken against a civilian population in the Caucasus. The Chechen people, abandoned to their fate, stood alone in the struggle against aggression by Russia, which was still enjoying the financial and political support of the West. At the time of the break-up of the USSR the Chechen people had endeavoured by all legal means to exercise their right to self-determination and secession guaranteed by the Constitution and had always insisted on the use of political dialogue for the settlement of the dispute. The war crimes and flagrant violations of human rights committed against the Chechen nation constituted an act of genocide, for which the highest political authorities in Russia must be held responsible. President Putin had recently described the war in Chechnya as a fight against extremism - including religious extremism - which in his view threatened the whole of the Eurasian continent; he gave the impression that he was conducting a new crusade - a notion which the international community could not but reject. The Commission on Human Rights should no longer be deceived by misleading rhetoric; it should use every available mechanism to restore the fundamental freedoms and all the human rights of the Chechens as individuals and as a nation.

65. Mr. AHMAD (World Muslim Congress) said that the violations of human rights committed in Chechnya by the Russian army with the knowledge of the authorities were beyond question and amounted to war crimes and crimes against humanity. Russia was conducting a war against the entire Chechen people on the pretext of punishing the "bandits" and "terrorists" which it accused of having carried out bomb attacks in Moscow and attacking Daghestan, although there were serious doubts concerning the origins of those atrocities. The present problem was one of determining whether Russia under its present government was going to continue to conduct its relationships with Chechnya on a colonialist basis (as the rise of nationalist sentiment in Russia seemed to imply), and whether it was going to continue to maintain its control over that Republic with the brutality resorted to in the nineteenth century by the Tsarist regime, and then in the twentieth century by the Soviet leaders. An agreement had been concluded in 1996, after the first war in Chechnya, which left the latter in control of its own affairs and shelved the question of independence until a peaceful settlement had been reached. The World Muslim Congress urged Russia to respect that agreement.

66. Mr. BAUDOIN (International Federation of Human Rights Leagues - FIDH), speaking also on behalf of the Memorial Human Rights Centre, referred to the conclusion of the report of the international mission of inquiry carried out in February 2000 by FIDH and Memorial. In the view of those two organizations primary responsibility for the crimes perpetrated in Chechnya by the Russian forces rested with Mr. Yeltsin and Mr. Putin, if only on account of their respective offices. The most serious violations of human rights committed in Chechnya, which were directed principally against the civilian population, were well established and, in view of their massive, generalized and systematic character, constituted war crimes and crimes against humanity.

67. The silence of the international community, and the expressions of support cynically conveyed to Mr. Putin on the occasion of his election, had sanctioned the policy of the Russian authorities and confirmed the impunity of the perpetrators of the crimes committed. The FIDH and Memorial demanded that the Russian authorities immediately put an end to the bombardments and torture, guarantee the availability of medical treatment to the civilian population and allow freedom of access to the independent media and the NGOs; at the same time, they called upon the Chechen authorities to protect the civilian population in all circumstances. They also called on the Commission on Human Rights to adopt a firm resolution on the human rights situation in Chechnya, at the same time setting up an international commission of inquiry and requesting the special rapporteurs on torture, summary executions and violence towards women to visit the region. Finally, they called for the establishment of an international penal tribunal on Chechnya to ensure that the perpetrators of the crimes against humanity committed in that country would not remain unpunished.

68. Ms. TERLINGER (Amnesty International and Human Rights Watch) reminded the Commission that the High Commissioner for Human Rights had called on it to take credible measures in response to the large-scale violations of human rights committed by the Russian forces in Chechnya. She said that the two NGOs on behalf of which she was speaking were firmly convinced that the establishment of a national commission of inquiry would not be sufficient for establishment of the truth and the prosecution of the perpetrators of the war crimes and other violations committed. In the first place, the measures so far taken by the Russian authorities, and in particular by the new special representative responsible for protecting human rights and freedoms in Chechnya to investigate credible allegations of human rights violations, did not constitute serious attempts to remedy the grave human rights situation existing in Chechnya; secondly, by refusing to allow the High Commissioner to visit the places of detention in which torture and ill-treatment were alleged to have been committed, the Russian Government had shown that its proclamations of transparency had been mere rhetoric. Finally, during the first war in Chechnya the Russian authorities had amply demonstrated that they were lacking in will either to conduct effective investigations into human rights violations or to prosecute the perpetrators thereof.

69. Only an international commission of inquiry established by the United Nations would undertake the systematic, thorough, independent and transparent gathering of conclusive evidence. The establishment of such a Commission would also foster investigations and prosecutions at national level. The Commission on Human Rights could not escape its responsibility for reacting to the situation in a credible manner and on a scale commensurate with that of the violations committed.

70. Mr. AKHYAD IDIGOV (Transnational Radical Party) said that thanks to Mrs. Robinson's visit to the Chechen Republic, the world now had a clear view of the scale of the violations of international law committed by the Russian Federation in that region of Europe. Chechens were being persecuted on account of their ethnic origin throughout the territory of the Russian Federation. In that connection the Russian Federation was continuing the bloody policy followed by the Soviet Union, first in Afghanistan and later in many other regions. Since 1991 the international community had remained silent in face of the chaos and anarchy reigning in that part of the world.

71. Mr. RAMISHIVILI (Russian Federation) interrupted the speaker on a point of order, remarking that he was not a member of the NGO he was supposed to be representing. He asked the Chairperson to see whether the speaker was duly accredited.

72. The CHAIRPERSON said that Mr. Idigov was accredited as a member of the Transnational Radical Party.

73. Mr. AKHYAD IDIGOV (Transnational Radical Party) said that the total war and the policy of ethnic cleansing directed against the Chechen people by Russia was equivalent to genocide. The international community must react. Respect for the right of the Chechen people to self-determination was a precondition for stability and peace in the Caucasus. That was the key question outstanding in the Chechen context. Since 1991 Chechnya had been demanding the right to create a State of its own, as other republics which became independent in the post-Soviet period had done. By claiming that right, which was still being refused them, the Chechen peoples were seeking to put an end to 400 years of insecurity, which had been marked by periodic deportations and a determination of the Russian Government to annihilate the Chechen people. It should be recalled that on 12 May 1997 the Russian Government had signed a peace treaty with the Chechen Republic, the terms of which it immediately proceeded to violate, isolating Chechnya from the rest of the world and creating the conditions which were to give rise to the current situation. The Russian authorities had done their utmost to cultivate fear among the peoples living within their borders in order to justify the war against the Chechen people. It was essential that negotiations should be under the strict control of the international community, acting as a guarantor of the agreements concluded. The negotiations should take place with the authorities legally elected in 1997 under the leadership of President Aslan Mashkadov.

74. Mr. PARRY (Indian Movement "Tupaj Amaru") said that, since the break-up of the Soviet Union, chauvinistic and retrograde nationalism had revived in Russia and was giving rise to ethnic and religious conflicts and even genocide.

75. The war in Chechnya formed part of a strategy being conducted by a corrupt and machiavellian class which held the reins of power in the Kremlin, controlled 50 per cent of the Russian economy and was transferring colossal sums to tax havens in complete immunity and with the benign non-interference of Western Governments.

76. The sole purpose of the war started by the Russian army in September 1999 on the pretext of combating "terrorists, criminals and bandits" was the ethnic cleansing of the Muslim population.

77. Seeing the indifference of the international community and the cynicism, the mutism and the complicity of the Western Powers, the Russian Government had decided to declare war on its own people, considering them as "terrorists". But the missiles and the bombs which had fallen on Grozny had struck without distinction at the innocent civilian population, both Christian and Muslim, as well as at the alleged "bandits".

78. At the dawn of the twenty-first century it was no longer possible to consider the destruction of Grozny, the tortures and the losses of thousands of human lives as "internal affairs" and to argue, in the name of non-interference in internal conflicts, that any State was free to violate the rights and freedoms of individuals and of the community to the extent that that violation did not constitute a threat to international peace and security.

79. The Russian Federation was a multinational and pluri-cultural State inhabited by over 140 nationalities, and the Chechen people, like other peoples engaged in struggle, were demanding their autonomy and their independence. The sole response of the Russian Government was to turn its heavy artillery on its own minorities. The speaker pointed out that the right of self-determination could not be monopolized and that it was not the exclusive property of the State. All States should recognize unreservedly that legitimate right and guarantee its unrestricted exercise in conformity with international instruments.

80. Mr. GORDON (Reporters without Borders International) observed that on the previous day the Parliamentary Assembly of the Council of Europe, concerned by the human rights situation in Chechnya, had adopted an amendment designed to set in motion a procedure for the suspension of Russia. The Russian offensive had been paralleled by very serious attacks on press freedom. Chechnya was considered as one of the most dangerous regions for journalists in the world and had become a sealed-off zone of terror in which the war could be pursued without witnesses. Between 1994 and 1996 some 10 reporters had been killed; three Chechen cameramen had lost their lives in the bombardments launched by the federal army in 1999; and a score of journalists had been kidnapped since 1997. Brice Fleutiaux, a French photographer, had been kidnapped near Grozny and was reported to be currently detained in the southern part of the Republic; no news of him had been received since 19 January. It was also reported that Vladimir Gatsina, a photographer from the Russian Itar Tass agency, had been killed by his kidnappers on 20 February last.

81. The Russian authorities had no hesitation about silencing dissenting voices. On 16 January Andrei Babitsky, the correspondent in Russia of the American Radio Free Europe radio station, had been arrested by the federal authorities in Grozny, detained in a filtration camp and subsequently exchanged for Russian soldiers. He was currently under house arrest and facing two charges of "participation in an armed band" and "use of a false passport". He had not been able to go to Strasbourg, where he was to give evidence before the Parliamentary Assembly of the Council of Europe. Vladimir Putin had stated that Andrei Babitsky was an enemy agent and that his activities were more dangerous than automatic weapon fire. From the very beginning the Russian officials had shown animosity towards foreign press representatives working in Chechnya, access to which was subject to an accreditation which was unobtainable. That left the field clear for the pursuit of a war without witnesses.

82. Mr. LITTMAN (Association of World Citizens) said that the Association of World Citizens had participated in the sessions of the Commission on Human Rights devoted to the former Yugoslavia, Rwanda, Kosovo, East Timor and now Chechnya with feelings of dismay and frustration. On each occasion there remained a sentiment of failure. There should have been speedier reactions; recognition that violence was not a solution to conflicts, and realization that a negotiated compromise was less costly than the destruction of people's lives.

83. It was lamentable to observe, barely one year after the one hundredth anniversary of the first International Peace Conference in The Hague, that a conflict was taking place in which the fundamental rules of war, namely the distinction between civilians and soldiers, were being totally disregarded. On both sides captured combatants were being treated in complete disregard for the minimum standards laid down by the Geneva Conventions.

84. In the view of the Association of World Citizens three elements should be taken into consideration in the future. The first element related to the codification of the "fundamental standards of humanity", which was to be discussed under agenda item 17. That codification deserved sustained attention. The common elements in human rights law and the laws of war should be clearly defined and put into practice.

85. The second element, developed in the statement published in document E/CN.4/2000/NGO/1, consisted of a proposal that the Commission should hear representatives of groups engaged in armed conflicts. During the period between the end of the first conflict in Chechnya, in January 1997, and the resumption of hostilities in Daghestan and Chechnya in 1999 a chaotic situation (kidnappings, murders, emigration of the Russian-speaking population, etc.) had prevailed. The international community should have reacted during that period. But the mechanisms which would have enabled the representatives of the Chechen administration and of the armed groups to express their viewpoints did not exist. Those mechanisms should be created.

86. Thirdly, the conflict in Chechnya had highlighted the need for greater articulation of efforts at conflict resolution between the United Nations system, regional intergovernmental organizations (such as the OSCE), Governments and NGOs. Admittedly, cooperation and coordination were difficult; but they had to be encouraged, since the consequences in the event of failure had been disastrous. To avoid failures all concerned had to work together creatively. The international community owed that debt to those who had died and suffered during the conflict in Chechnya.

87. Mr. MONOD (War Resisters International) said that Mrs. Mary Robinson had described with compassion the sufferings of Chechen women. He referred to the fate of young Russian recruits involuntarily trapped in the conflict, in which many of them had lost their lives. Some Russians had refused conscription for reasons of conscience and had been sentenced to terms of imprisonment, notwithstanding article 59 of the Russian Constitution, which recognized the right of conscientious objection and offered the possibility of performing civil service. That right was also recognized by the Commission on Human Rights in its resolution 1998/77.

88. The Singapore delegation had denounced the fact that War Resisters International was in favour of the abolition of armies. Considering the current situation in Chechnya one could legitimately wonder whether recourse to the army was useful and whether it was really necessary

to bomb an entire population to "pacify" the territory. It would be wiser to listen to the demands of the opposing sides. The Russian Army had not settled the conflict in Chechnya any more than NATO had settled the conflicts in Bosnia or Kosovo.

Statement made in exercise of the right of reply

89. Mr. RAMISHVILI (Russian Federation) recalled that a ruling of the European Court, in a case involving the United Kingdom and Ireland, had established that in an emergency it was for the State itself to determine whether the nation was threatened and to decide on the measures to be taken to remove that threat. It was therefore incumbent on the Russian armed forces to decide on the resources to be engaged in the light of the gravity of the situation in Chechnya. They had been criticized for disproportionate use of force, but that criticism reflected an insufficient knowledge of the situation. That being the case, the Russian Government had from the very beginning sought a political solution to the crisis, and discussions on the future of Chechnya were continuing uninterruptedly, particularly at local level. It was to be regretted that delegations were still clinging to the same position. The Russian Government would remain in dialogue with all the non-governmental organizations which were genuinely concerned with the human rights situation in Chechnya.

90. The CHAIRPERSON declared the discussion on agenda item 4 (question of Chechnya) closed.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/2000/69, E/CN.4/2000/70, E/CN.4/2000/71, E/CN.4/2000/72, E/CN.4/2000/73 and Add.1-3, E/CN.4/2000/74, E/CN.4/2000/75, E/CN.4/2000/128, E/CN.4/2000/NGO/21, E/CN.4/2000/NGO/35, E/CN.4/2000/NGO/57, E/CN.4/200/NGO/59, E/CN.4/200/NGO/82, E/CN.4/2000/NGO/88, E/CN.4/2000/NGO/127, E/CN.4/2000/NGO/142, CRC/C/84, CRC/C/87, CRC/7/C/90)

91. Ms. VON HEIDENSTAM (Chairperson-Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights on the Child) had pleasure in informing the Commission that at its sixth meeting, held on 10-21 January 2000, the Working Group, of which she had been elected Chairperson-Rapporteur, had adopted the draft text of a protocol to the Convention on the Rights of the Child, concerning involvement of children in armed conflict. The text was appended to the report of the working group published under reference E/CN.4/2000/74. Ms. Von Heidenstam had herself undertaken consultations on the subject in Geneva, New York and a number of countries directly concerned. Initially there had been fairly considerable divergences of opinion within the working group. However, efforts had been made to arrive at a compromise text. The basic idea enshrined in the draft protocol was that no person aged under 18 should be recruited in armed forces engaged in conflict. The speaker hoped that the text of the optional protocol would be adopted by the Commission and forwarded to the General Assembly, through the intermediary of the Economic and Social Council, for adoption.

92. Mr. KOBAYASHI (Japan) said that the Convention on the Rights of the Child had already been ratified or acceded to by no less than 191 countries and that a number of them had incorporated the provisions of the Convention in their national legislation. Unfortunately, many children throughout the world still found themselves in intolerable situations - the sale of children, sexual exploitation of children and the use of children as soldiers in particular - to which the international community must face up.

93. At the national level, Japan had endeavoured to strengthen the protection of children against sexual exploitation by adopting a law on the subject. In addition, Japan was actively participating in the preparation of a draft additional protocol to the United Nations Convention against Transnational Organized Crime which sought to prevent, repress and punish trafficking in women and children.

94. The international community had shown its determination to tackle those problems. The working groups set up to draw up two optional protocols to the Convention on the Rights of the Child had completed their work. In view of the importance of those two instruments, the Japanese delegation hoped that the General Assembly would adopt them at an early date. In that connection there were still several obstacles to be overcome, and in particular lack of understanding of the rights of children, a lack of political will, poverty and armed conflicts. The cooperation of the international community was essential to overcome those obstacles, and in particular to put an end to extreme poverty, which rendered the protection of the rights of the child extremely difficult.

95. The situation of children during and after armed conflicts deserved particular attention. In that connection Japan welcomed the role played by the United Nations in Sierra Leone and the Democratic Republic of the Congo. Japan was making financial contributions to the programmes of the United Nations bodies engaged in the reconstruction of East Timor and Kosovo, in which particular attention was being given to children. Japan was also supporting the UNICEF plan for the reconstruction of schools, for it was education which gave children hope for the future.

96. To achieve the aims of the World Summit for Children, the tenth anniversary of which was being celebrated during the current year, it was necessary to strengthen even further cooperation between States and the competent international organizations such as UNICEF and WHO. Japan had decided to extend its grant aid to cover all programmes focused on child welfare.

98. Ms. PEREZ DUARTE (Mexico), referring to the draft optional protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography, considered the text inadequate. In particular, there was no mention in the text of the principle that children participating in those illicit activities were invariably victims and consequently should never be considered criminally liable. In addition, the continual references made to national legislation ran counter to the principle of primacy of international standards over domestic law. That was a serious obstacle to the international cooperation which was essential for the effective combating of those abuses committed against children. The reference to the age of a child was also disquieting, as if the fact of having reached the age of "sexual consent" could safeguard the child from the risks implicit in certain practices. In contrast, the Mexican delegation fully approved the second draft protocol to the Convention on the Rights of the Child seeking to prohibit the participation of children in armed conflicts and hoped that the text would come into force as soon as possible.

The meeting rose at 6.05 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 April 2000, at 6 p.m.

Chairman: Mr. JAKUBOWSKI (Poland)
(Vice-Chairman)

later: Mr. IBRAHIM (Sudan)
(Vice-Chairman)

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RIGHTS OF THE CHILD (continued)

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GE.00-15301 (E)

The meeting was called to order at 6.05 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/2000/69, 70, 71, 72, 73 and Add.1-3, 74, 75 and 128; E/CN.4/2000/NGO/21, 35, 57, 59, 82, 88, 127 and 142; CRC/C/84, 87 and 90)

1. Mr. SHARIFUDDIN PIRZADA (Pakistan) said that child labour in Pakistan's soccer ball industry had nearly vanished since the Government had embarked on a landmark project to combat it. Between 1996 and 1998, however, the industry had lost a good deal of its market share, as consumers had proved unwilling to pay the price of adult-only workmanship, and family incomes had consequently fallen by about 20 per cent. Notwithstanding those difficulties, the Government was taking similar initiatives in other industries and was considering ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO). It was currently finalizing a national Plan of Action on Child Labour, which would include monitoring, information, awareness raising and educational activities as well as an evaluation system. The Plan would also strengthen law enforcement, increase family resources to encourage education and extend the social security network.

2. The Government had recently decided to approve an ordinance relating to the juvenile justice system which would eliminate the death penalty for persons who were under 18 when they committed an offence. It was also establishing separate jails for minors.

3. Pakistan welcomed the finalization of the optional protocol on involvement of children in armed conflicts. The draft protocol's provisions should be interpreted in accordance with the purposes and principles of the United Nations Charter, including the right of peoples to self-determination. The provisions of article 4 should be interpreted in conjunction with the thirteenth preambular paragraph. In article 1, the term "all feasible measures" should mean all measures technically possible for a State party, and the term "do not take a direct part in hostilities" should not prohibit deployment for defence purposes in times of peace. Lastly, the "special protection" referred to in article 3 should be defined by the national competent authority, in accordance with the relevant international instruments.

4. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and associated countries, said that in the next decade, the most serious violations of the rights of the child needed to be addressed, and the standards in the Convention on the Rights of the Child had to be translated into universal practice.

5. The decision by the Committee on the Rights of the Child to issue General Comments was a commendable step that would contribute to the jurisprudence of human rights. The Committee's thematic discussion days had served as a catalyst, and the forthcoming event dedicated to "State violence and children" might offer an opportunity for an open dialogue on corporal punishment in schools and institutions. In the light of the Committee's heavy workload, States were strongly encouraged to accept the amendment to the Convention allowing the number of experts on the Committee to be raised to 18. There was an urgent need, moreover, for many of the States parties to withdraw their reservations to the Convention.

6. Children's participation was an important part of the rights of the child. It should be ensured in matters concerning adoption, separation from parents, name change, education and medical treatment.

7. Because girls were often denied equal access to health care, food and education and were especially vulnerable to violence, including sexual violence, the protection and promotion of their rights were of particular importance. Governments should promote the status of girls through education, and should make primary education compulsory for all, while eliminating gender stereotyping.

8. United Nations bodies had to strengthen their efforts to improve the administration of juvenile justice. All States should bring their penal laws into line with international instruments. Deprivation of a child's liberty should be used only as a last resort, and penal measures, when taken, should be in conformity with the provisions of the Convention and other international standards. In particular, the death penalty should never be imposed on offenders under the age of 18 at the time of the crime.

9. Nearly 130 million illiterate children of school age had no access to basic education, and almost two thirds of them were girls. The Union welcomed the civic education and literacy campaigns implemented by various United Nations bodies and by non-governmental organizations (NGOs). Special emphasis should be placed on human rights education. Children having no access to education were more prone to exploitation of all kinds. A lack of education could deprive them of their rights throughout their lives.

10. The Union welcomed the two General Comments adopted by the Committee on Economic, Social and Cultural Rights on education. The primary responsibility for guaranteeing free access to good quality, compulsory primary education free of any discrimination rested with the State.

11. The Union strongly encouraged States to accede to and ratify the ILO's Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). Millions of children were engaged in child labour, and any work likely to jeopardize a child's development had to be prohibited. While the worst forms of child labour were often the most visible, they did not necessarily affect the greatest number of children. Domestic labour was one of the most widespread and least studied forms of the exploitation of children.

12. In the light of the unprecedented impact of HIV/AIDS, the international community should make a combined effort to deal with the situation. Children affected by HIV/AIDS needed to be protected against discrimination and had to have their voices heard. The State and others must take action at the national level to formulate child-oriented policies and strategies to prevent the disease.

13. The growing availability of child pornography was of particular concern. Many countries had recently amended their legislation to facilitate prosecution of offenders. The Union welcomed the finalization of the draft optional protocol on the sale of children, child prostitution and child pornography, and stood ready to support further efforts. It also welcomed

the submission of the report on domestic violence by the Special Rapporteur on the sale of children, child prostitution and child pornography, whose work and recommendations it strongly endorsed.

14. The Union welcomed the submission of an interim report by the Special Representative of the Secretary-General for Children in Armed Conflict and the initiative taken by the Security Council to follow closely the impact of armed conflict on children. Much work in that field was being done by the entire United Nations system, including the United Nations Children's Fund (UNICEF), as well as by many international NGOs. In recent years, a number of international legal instruments had been adopted and would soon be of capital importance in tackling the problem; they included the Statute of the International Criminal Court and the Convention on Anti-Personnel Mines. At the beginning of 2000 a consensus had been reached on the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. The international community must adopt and accede to that instrument as quickly as possible.

15. Ms. DITLHABI-OLIPHANT (Botswana), noting that there were generally no differences of opinion as to the substance of the rights of the child, said that the report of the Special Representative of the Secretary-General for Children in Armed Conflict, Ambassador Olara Otunnu, shed light in chilling detail on the extent to which children were exposed to the devastating effects of war. The use of children in conflict was a crime against humanity which would have far-reaching consequences for any society. The recommendations of the Special Representative, and especially those regarding the promotion and strengthening of local values, merited support.

16. Children by nature required more time than adults to recover from the effects of war. Their reintegration into society therefore required a long-term strategy. There were currently over 50 wars in the world, and the children whose rights were being violated needed concrete action, and not fine words. The time had come, as the Special Representative had said, to launch "an era of application for international norms".

17. Botswana hosted refugees from other African countries, including many women and children, and their numbers were growing. No one became a refugee by choice. While it was important to provide a solid framework for the integration of refugees, it was equally important to look at the options available for long-term solutions, one of which would involve arresting the problem at its roots, before it became unmanageable. Conflict resolution and management were therefore a cornerstone of foreign policy for the Southern African Development Community, and one which had met with some success.

18. In Botswanan society, which counted heavily on an extended family structure, the scourge of HIV/AIDS had produced a new kind of child victim, as children lost their parents and other family members to the disease. The Government had established a National Advisory Council on AIDS, chaired by the country's President, to coordinate HIV/AIDS programmes and provide technical advice. Some of the recommendations made by the Special Representative on Children and Armed Conflict, such as the strengthening of the social value system, mainstreaming children's interests into priority-setting activities and placing their protection at the top of the policy agenda, would also be relevant to children orphaned by HIV/AIDS.

19. Children were crying out for their rights to be respected and for their basic needs to be met. In a world which had demonstrated its resourcefulness in other noble causes, from space exploration to cyber-technology, the time had come to take action.

20. Mr. MORA GODOY (Chairman-Rapporteur of the open-ended inter-sessional working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) said that the draft protocol that he was presenting represented six years of efforts by the international community to shape an instrument providing for effective cooperation against the sale of children, child prostitution and child pornography. Six years before, many had denied the existence of the problem or had rejected the shared responsibility to take action against such crimes. Even in the working group itself, some had initially considered that the protocol was unnecessary. Others had felt that it could not move ahead quickly owing to a lack of consensus. Many had thought that the negotiation of the protocol would, as had been the case for many other international human rights instruments, take 10, 15 or even 20 years to complete. In the end, however, the undisguised truth, as reflected in the reports of the Special Rapporteurs and in the increasingly numerous complaints of the internationalization of such crimes, had mobilized international public opinion. The issue could not be reduced to a difference of views between the North and the South, and it was not a case of designating certain States as responsible and others as victims. It was not a question of a political campaign in the field of human rights. It had become clear that such crimes must be stopped, and that the victims were not only black, Latin American or Asian. International criminals profited from the sale, prostitution, illegal adoption or trade in organs of all kinds of children. Many experts had estimated that those activities ranked third in terms of profit after the illegal drug and arms trades. And even that did not take into consideration the human, sentimental, spiritual and social costs that were involved for the children themselves, their families and society as a whole.

21. The sale of children, child prostitution and child pornography affected hundreds of millions of children and would leave entire generations scarred. They were a veritable plague, comparable to the spread of AIDS in some societies, ravaging the human rights of children. They amounted to a form of gradual genocide against childhood. It was the duty of the international community to redouble its efforts and take legislative measures both nationally and internationally to defend the physical and moral integrity of its children. That was the purpose of the instrument that the working group proposed that the Commission should adopt and submit, through the Economic and Social Council, to the General Assembly for final adoption.

22. While the protocol was perhaps not ideal, it was indisputably a major step forward. It was for all Governments an opportunity to achieve full cooperation for the noble purpose of stopping such practices, on the basis of the Convention on the Rights of the Child. The draft was the fruit of a careful and delicate compromise, and did not represent the interests of Cuba or of any other country in particular. It was the shared text of all countries, even though it did not reflect all the specific interests and positions involved. It was up to the Commission to preserve that fragile consensus.

23. A single document could not in itself eliminate an evil. If it could, there would be no war, no famine and no missing, raped, kidnapped or abused children. However, the draft optional protocol was a good mechanism, and an important instrument with which to demonstrate the genuine political will to eradicate such crimes.

24. Ms. KOWALSKA (Poland) said that the protection of children from physical and mental violence, injury, maltreatment, abuse or exploitation was of paramount importance to the Polish Government, which had recently established the post of Ombudsman for Children's Rights. The Ombudsman was responsible for ensuring the rights to life and health, upbringing in the family, proper social conditions and education, and undertook to protect children from violence, cruelty, abuse, demoralization and exploitation.

25. Throughout the world, many children had been mutilated, killed, recruited or abducted in armed conflict; some had witnessed or been forced to take part in unspeakable violence, often against their own families or communities. Children were also increasingly subjected to sexual, commercial or economic exploitation, which was carried out with impunity. The Internet, which offered opportunities for education, information and communication, also exposed children to the risk of contact with inappropriate material such as child pornography. Contemporary mass culture, which was replete with violence and aggression, played a major role in the spiritual shaping of children and adolescents. While the family was the most important element providing the special protection children needed, local moral and cultural values and community structures should also be strengthened, while national and international legal frameworks to protect children against sale, prostitution and pornography had to be put in place.

26. Poland supported the Peace and Security Agenda for Children proposed by UNICEF, which would inter alia prohibit the use of child soldiers, fight impunity of war criminals and protect children from the effects of sanctions. It welcomed the finalization of the two draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflicts and on the prevention of the sale of children, child prostitution and child pornography.

27. The protection of children's rights required decisive leadership and the mobilization of resources, including those of Government, family, local leaders, women's organizations, national and multinational groups, and of course of the children themselves. Their health, ethics and intellect would be decisive for the future of families and nations. Investing in children yielded multiplied returns.

28. Ms. CALCETAS-SANTOS (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report (E/CN.4/2000/73), said that she had focused on domestic violence and the family's role as a determinant of the exploitation of children.

29. The family was, according to the very terms of the Convention on the Rights of the Child, the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children. Indeed, family might be the effective

shield which protected some children from exploitation while others were victimized. For many children drawn into commercial sexual exploitation, the cause could be traced back to their family situations.

30. Domestic violence had mainly been studied with respect to physical violence against women. Little research had concentrated on children in that regard. The data which was available pertained most often to girl children. But boys too were at risk of abuse from their own families, and could also be drawn into prostitution and pornography.

31. She had requested information on the problem of domestic violence from all Governments, relevant United Nations bodies and intergovernmental organizations and NGOs. While most of the information provided related to physical and sexual violence, maltreatment, emotional neglect and cruelty were also important factors, and the report before the Commission covered the whole range of abuses covered by the Convention.

32. Most of the information received confirmed that many children, mainly girls, who had been drawn into prostitution had experienced traumatic childhoods. According to one response, some of the girls explained their entry into prostitution as a cry for help or a wish for love, to be seen and acknowledged. Despair and a lack of self-esteem had made prostitution a viable option. One girl had said that at least as a prostitute she was paid for the abuse.

33. Children who witnessed domestic violence among adult family members could be just as seriously affected as those who were directly mistreated. In the opinion of some, such children were mentally abused. Domestic violence often led to homelessness, as it could force a battered mother to leave the home with her children. The psychological impact of family violence on children was often serious enough to require therapy in adulthood. According to one report, boys involved in prostitution often had run away from home because they had been ostracized owing to suspicions of their sexual preferences and could count on little support from family members.

34. Certain Governments had in their replies denied the existence of domestic violence in their countries. The absence of reports did not indicate that there was no problem. Serious consideration should be given to factors such as cultural taboos, ignorance and the tendency to view the problem as a strictly private family matter.

35. It was clear that the elimination of domestic violence was fundamental in preventing children from being sexually exploited.

36. The use, even within United Nations circles, of the term "child sex workers" was of increasing concern. While the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO had been a welcome step, the assimilation of child prostitution to a form of labour, however extreme, might send a dangerous message. Children in prostitution were never "workers".

37. As Special Rapporteur, she had been carried out a number of missions in recent years, and follow-up information had been requested from the Governments of the countries visited. It was disappointing that only the Mexican Government had responded. The Governments of

the United States, the Czech Republic, Kenya and Laos were thus urged to provide further information. More lately, missions had been carried out to Belgium, the Netherlands, Guatemala, Fiji and Morocco. Information on the recent mission to Morocco would be provided at the next session of the Commission. Country missions were carried out under tight time and resource constraints, and required much effort. However, they were very valuable, as they allowed the Special Rapporteur to gain insights that were often missed by the locals themselves.

38. The country visit to Belgium had been prompted in large part by the case of Marc Dutroux, who had been charged with the kidnap, rape and murder of several young girls and who had allegedly been part of an organized network of paedophiles operating throughout northern Europe. In both Belgium and the Netherlands there was a high volume of trafficking in children; in Belgium traffickers reportedly abused a system designed to assist asylum-seekers by bringing women and children into the country for prostitution. The report recommended that both Governments should establish reception centres to tend to the immediate needs of minors before any determination of subsequent procedures.

39. In Guatemala, where the main concerns were the system of intercountry adoption and the risk of sexual exploitation of Guatemalan children, the Government had engaged in a candid dialogue and had provided much assistance. A number of Government bodies, lawyers, judges, adoption agencies, mothers whose children had been adopted and orphanages had been visited. It was clear that the current very weak and ineffective system for intercountry adoptions had created a highly lucrative market in which children, very often from poor, illiterate families, were treated as a commodity. Their birth mothers were subjected to coercion, deception and even the kidnapping of their sons and daughters. The amount paid by foreign couples for the adoption of such children could reach US$ 25,000, while local adoptions could be arranged for as little as US$ 300. While no one could offer a transparent breakdown of the costs involved, the evidence suggested that private lawyers profited handsomely from such transactions.

40. The introduction into force of the Guatemalan Childhood and Youth Code, which would penalize trafficking in children, had been deferred three times, and it appeared had even been indefinitely suspended by the Guatemalan Congress. If enforced, that law would pave the way for the passing of a law on intercountry adoption. The Government was strongly urged to enforce the code and to introduce such legislation as quickly as possible so as to bring its laws into line with its obligations under the Convention on the Rights of the Child.

41. In Fiji, the Government had showed no willingness to recognize the problem of sexual exploitation of children, and as a result no meetings had been held with the relevant Government ministers. Fiji and other small Pacific States had reportedly become popular alternative destinations for child sex tourism as more stringent measures had been applied in other countries in the Asia-Pacific region. There had been reports that Fijian children were victimized by both local and foreign clients. In addition, many indicators of the growing involvement of children in commercial sex had become apparent, ranging from drug and alcohol abuse among children to an influx of tourists and a general lack of awareness among both ordinary people and policy makers. The Government was called upon to accept that such problems existed in the country and to work with Fiji's very committed NGO community to prevent the situation from worsening.

42. Mr. GODOY (Guatemala) said that the bare reality reflected in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography was an affront to human dignity and was of the utmost concern to the Guatemalan Government and society. The report would benefit all people in Guatemala and would prompt the Government to address its own policy shortcomings. The Social Movement for the Rights of the Child in Guatemala had already drawn attention to such problems. Unfortunately, the solutions it had proposed had been misunderstood by policy-making bodies.

43. The Government would place high priority on the passage of an act on adoptions so as to establish effective control and regulation mechanisms. It was prepared to ratify international instruments for child protection, including the Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption and the two draft optional protocols to the Convention on the Rights of the Child. A Plan of Action for street children and another to combat sexual exploitation of children were about to be implemented with the support of international bodies and NGOs.

44. The Peace Agreements had set targets for education, including an educational reform intended to promote multiculturalism, and the Government was committed to giving that initiative a new impetus. It was also taking steps to facilitate the organization of children's councils at the local and national levels. The Government was aware that a system offering children comprehensive protection was required, and would work toward that end with the Congressional Commission on Monitoring the Childhood and Youth Code.

45. Mr. CASTRO GRANDE (El Salvador), having associated his delegation with the statement to be made by the representative of Venezuela on behalf of the Latin American and Caribbean Group, said that in El Salvador, where 46 per cent of the population was under 18, special attention had always been given to the situation of children.

46. El Salvador had an impressive list of legislative acts protecting children's rights and governing relations with juvenile offenders, including the Family Code, the Juvenile Offenders Act and the Act establishing the Salvadorian Juvenile Protection Institute. The enrolment rate for basic education was 80 per cent, while infant mortality under five years had dropped by about 30 per cent. Thanks to child vaccination coverage of over 90 per cent, polio and measles had been eradicated. A number of measures had been taken under the International Programme on the Elimination of Child Labour of the ILO (ILO-IPEC), including one designed to ensure that children working in coffee production could attend school. The country was in the process of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182).

47. Only a genuine culture of peace would make it possible to overcome the problem of violence which was directly affecting children and young people. The International Decade for a Culture of Peace and Non-Violence for the Children of the World, which was to begin in 2001, had been declared in recognition of the enormous harm and suffering to which children were exposed because of violence. The international community should consolidate its efforts to ensure respect for the life, dignity and human rights of all persons, and especially children, in accordance with the Declaration and Programme of Action on a Culture of Peace. Children had

to be given the values, attitudes, behaviours and lifestyles they needed to resolve conflicts and to ensure respect for human dignity, tolerance and non-discrimination. The delegation of El Salvador had therefore proposed that the omnibus resolution on the rights of the child should contain a reference to the Declaration and Programme of Action.

48. El Salvador was pleased that the draft optional protocols to the Convention on the Rights of the Child had been successfully completed by the two working groups. While those instruments were not perfect, their rapid adoption and ratification would make a decisive contribution to the protection of children's rights around the world.

49. Mr. SUN Ang (China) said that since the Convention on the Rights of the Child had been ratified by China, the State had adopted laws protecting minors and the disabled, defending women's interests and rights and providing mother and infant health care, as well as other enactments governing adoption, compulsory education and the world of work.

50. A framework children's development programme had been adopted in 1992 and had subsequently been implemented. Thanks to the efforts of the Government and society, most of its 10 major objectives had already been fulfilled or surpassed. Much remained to be done before all the provisions of the Convention on the Rights of the Child were fully implemented. Some 40 million persons in China, one third of whom were children, still lived in poverty. The Government was providing financial assistance to permit children living in poverty to go to school.

51. The Convention on the Rights of the Child, which had been ratified by 191 States in just 10 years, had become the most widely accepted international instrument in history. However, a certain super-Power had still not ratified the Convention, while indulging in self-praise and criticizing the observance of human rights by other countries. One could only doubt the sincerity of that country's support for human rights, and question its motives in passing judgement on others.

52. China welcomed the fact that the two draft optional protocols to the Convention on the Rights of the Child had been completed, and expected the Commission to adopt both instruments at the current session.

53. Mr. Ibrahim (Sudan), Vice-Chairman, took the Chair.

54. Mr. LOUM (Senegal) said that in Africa, economic, social and cultural constraints made the situation of children particularly difficult, as armed conflicts and humanitarian crises, coupled with the debt burden, the drastic drop in public development assistance, a lack of foreign direct investment and a chronic scarcity of national resources undermined the efforts made by States to ensure respect for the provisions of the Convention on the Rights of the Child. The exploitation of child labour, the sale and prostitution of children and child pornography were very disturbing problems, further compounded by illness, hunger and illiteracy. A new commitment was needed to protect children from those scourges.

55. Senegal welcomed the constructive cooperation between the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF, the ILO and other United Nations bodies with the aim of implementing the Convention and the Plan of Action of the World Summit for Children.

56. Despite the constraints it faced, the Senegalese Government had worked in cooperation with UNICEF and other United Nations bodies and agencies and with its development partners to implement its national action plan for children. In the past decade, it had strongly advocated the Convention, which had been translated into the national languages and broadly disseminated. Senegal attached great importance to the reduction of the infant and child mortality rate and to family planning measures, including those related to reproductive health, the functional literacy of women and education for girls, whose enrolment rates were rising faster than the average. The Government had in 1999 adopted a law banning female genital mutilation, prohibiting sexual harassment and strengthening penalties for rape, paedophilia and violence against women, including domestic violence, which affected children.

57. Joint efforts must be made to promote the protection of children's rights during armed conflicts and humanitarian crises. Senegal expressed its solidarity with the efforts made by the representatives of the Secretary-General and of UNICEF to raise the minimum age of army recruitment to 18. It welcomed the recent adoption by the International Labour Conference of the Worst Forms of Child Labour Convention, 1999 (No. 182) and called for its universal ratification.

58. In a few short years, the international community had built an impressive edifice for the protection of children's rights. The results were not yet commensurate with expectations, but the objectives were clearly defined. There was no task more pressing or more noble than that of protecting the fundamental rights of children, their right to peace and security, to food and health, to education and to self-fulfilment. While the realization of such rights was primarily the responsibility of each Government, it was nonetheless important to undertake firm, coordinated international action to improve the situation of children, in Africa and throughout the world.

59. Mr. RAHMAN (Bangladesh) noted that despite greater awareness of the problems besetting children in the world, there was still a long way to go before their interests would be effectively protected. The finalization of the two draft optional protocols to the Convention on the Rights of the Child was, however, a source of inspiration. Their early adoption would clearly be a step forward.

60. Among the rights of the child, the right to education was one of the most prominent. According to the Special Rapporteur on the right to education, bilateral aid for education from OECD countries was declining, and only a very small proportion - under 1.5 per cent - was earmarked for basic education. As for multilateral aid, the World Bank, which boasted that it was the largest source of finance for education, also needed to focus more on primary education.

61. In Bangladesh, primary education was free and compulsory for all children through grade 5, and was free for girls through grade 9. A food-for-education programme was being implemented to reduce the drop-out rate, and enrolment in primary education had significantly increased. The Government had adopted a national policy on children and had set up a National

Children Council, which included all relevant ministries, NGOs and child welfare activists. Thanks to the joint efforts of the public and private sectors, infant mortality had declined, immunization coverage had risen to about 85 per cent, polio had nearly been eradicated and most children had access to clean drinking water. Much remained to be done. Infant and child malnutrition and mortality rates remained high, as did the primary school drop-out rate. In order to take action against trafficking in children and child labour, greater support would be required from United Nations bodies and specialized agencies.

62. The Bangladesh Garment Manufacturers' and Exporters' Association had signed a Memorandum of Understanding with ILO-IPEC, which had broken new ground in meeting the economic and educational needs of children withdrawn from work and had effectively eliminated child labour in that sector. With a little more dedication, the international community could make greater headway in meeting the numerous challenges that it faced.

63. Mr. VALENCIA (Ecuador) said that the Government of Ecuador would endorse the position of the Latin American and Caribbean Group for the adoption at the current session of the draft resolution on the rights of the child. The resolution should include provisions concerning the right to identity and the phenomenon of violence against children, which could take numerous forms. Since the problem of violence was related to the fields of education, labour, migration and correctional activities for juvenile offenders, a comprehensive approach was needed, and that would require coordination between various United Nations bodies.

64. Ecuador was very pleased that the two working groups on the draft optional protocols to the Convention on the Rights of the Child had successfully completed their work. Ecuador had, in deference to the best interests of the child, advocated the idea that States which had not ratified the Convention should nevertheless be able to accede to the two protocols. While acknowledging the need for consistency in international legislative instruments, for reasons beyond the control of the participants in the working groups it had been impossible to use a standard wording in the drafts. The current exceptional case notwithstanding, instruments additional to one and the same international treaty should as a matter of principle contain similar provisions for accession and withdrawal.

65. Each of the protocols would serve as a basis for multilateral action against very concrete problems affecting thousands of children around the world. Ecuador and many other States would have preferred for both protocols, and especially the one on the sale of children, child pornography and child prostitution, to contain more stringent provisions. The current draft was, however, a step in the right direction, and one which left the door open to more effective measures. As international awareness of those problems grew, so would the likelihood of the adoption of more targeted and forceful international instruments.

66. Ms. RUBIN (United States of America) noted that the past year had seen the adoption by the ILO of the Worst Forms of Child Labour Convention, 1999 (No. 182). The United States, which had been among the first nations to sign and ratify that Convention, called upon all States to give that instrument the prompt attention that it merited.

67. The international community had also recently agreed upon two important draft optional protocols to the Convention on the Rights of the Child. The two protocols should be endorsed

by the Commission and forwarded for early adoption by the Economic and Social Council and the General Assembly. It would take more than that, however, to shield children from cruelty and to give each child a chance to reach his or her full potential. Some 1.2 billion people around the world were living in poverty, and half of those were children. In developing countries, some 250 million children were working, half of them full-time. Few had the opportunity to go to school.

68. Because some Governments did not appreciate the value of education in development, they did not require universal primary schooling. Others did not give girls equal educational opportunities. In an interdependent and vastly competitive world, any country that hoped to rise had to educate all its children, without exception.

69. The United States was investing heavily in international programmes against child labour. It had in 1999 raised its annual contribution to ILO-IPEC tenfold, to US$ 30 million. Those funds had helped thousands of children leave the garment industry in Bangladesh and the soccer ball industry in Pakistan to attend school, and had supported programmes against child prostitution in Thailand and trafficking and exploitation in Nepal. Another US$ 10 million would be added through a new programme which provided educational alternatives to child labour in developing countries.

70. According to UNICEF, some 2 million young people had died as a result of conflicts in the space of a decade. The United States had designed a series of programmes to assist child soldiers in Angola, Liberia, Uganda and Sierra Leone and was working with young conflict victims in the Congo, Croatia, Eritrea, Ethiopia, Lebanon, Viet Nam and Kosovo.

71. Throughout the world, children themselves were championing the cause of universal human rights. In Colorado, primary school children had launched an effort to purchase the freedom of hundreds of children held in bondage in the Sudan. In Canada, Craig Kielburger had focused world attention on the consequences of abusive child labour. Children and teenagers in the West Bank, Israel, Zambia, Thailand and Colombia had undertaken similar activities in favour of human rights or peace. By addressing their communities' needs, young people were learning that they could make a difference.

72. The Special Session of the United Nations General Assembly for Follow-up to the World Summit for Children, to be held in 2001, would be an opportunity for Governments to unleash the productive capacity of their young people. Governments must support activities in which children served their communities.

73. Mr. VALVATNE (Norway) said that while no individuals were more equal than others, some were more vulnerable. Human rights policies must therefore always stand up to scrutiny in terms of the best interests of the child. The Convention on the Rights of the Child offered a clear framework in which to meet children's needs and encourage their participation. The Norwegian Government consistently sought to foster the participation of children in the development of society. A Youth Forum for Democracy had recently been established to further strengthen such efforts.

74. While the Convention had secured an unprecedented level of ratification, there was a large gap between the theory and the reality of children's rights. Many reservations had been filed which ran contrary to the object and purpose of the Convention or to international treaty law, thus undermining the value of that instrument and calling into question the commitment of the States that had issued them. Norway called upon States parties to withdraw such reservations as soon as possible.

75. The observations and recommendations issued to Governments by the Committee on the Rights of the Child were very valuable, and should be given due attention in drawing up policy. One of the aims of the "Oslo Challenge", launched on the tenth anniversary of the entry into force of the Convention, had been to draw up a resource manual for reporting and examining issues relating to children and the media.

76. The adoption by consensus and acclamation of the draft optional protocol on involvement of children in armed conflict was a source of satisfaction. It was only appropriate to express thanks to the NGOs that had played an active and important role in the drafting of that instrument. Norway supported the work of the Special Representative of the Secretary-General for Children in Armed Conflict, who should serve as a catalyst for action.

77. Norway also welcomed the finalization of the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the submission of the report of the Special Rapporteur on that subject, which focused on domestic violence.

78. Another subject of concern was discrimination against girls. Female infanticide, child marriages, female genital mutilation and other harmful practices which violated girls' human rights persisted and must be stopped.

79. Child labour, which affected approximately 250 million children in the world, was a complex problem which demanded a multisectoral, holistic approach. That would demand close international cooperation, as well as cooperation between the authorities and civil society, including the child workers and their families. The elimination of child labour would require the eradication of poverty, revenue replacement and the development of educational opportunities. The adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182) was an important step forward. Norway called for broad ratification of that instrument and the implementation of effective measures in each country.

80. Mr. MONIAGA (Indonesia) said that the ratification of the Convention on the Rights of the Child by 191 States signalled the importance attached to that instrument by the international community. He commended the considerable work done by the Committee on the Rights of the Child. Indonesia welcomed the completion of the elaboration of the two draft optional protocols to the Convention on the Rights of the Child.

81. The increased marginalization of the developing countries and its impact on the welfare of children were important aspects, which had to be addressed during the preparatory work for the Special Session of the General Assembly for Follow-up to the World Summit for Children. As a result of that marginalization, the most vulnerable groups were very often condemned to a

precarious life in poverty. It was poverty that fuelled child labour and engendered malnutrition, claiming countless victims. Millions of children were working as labourers, and millions more were involved in prostitution. The international community professed its profound concern for their rights, but it allowed poverty to cut short their lives.

82. Indonesia, which had ratified both the ILO's Minimum Age Convention, 1973 (No. 138) and its Worst Forms of Child Labour Convention, 1999 (No. 182), fully supported all efforts to eradicate child labour and exploitation. It was essential, however, that such efforts should go beyond legislation, and extend to social and economic development as well. While the Government was committed to observing the various Conventions protecting children's rights, it still faced constraints owing to the economic crisis.

83. Investment in education and the provision of health care would yield returns. The Government was channelling resources to trigger economic recovery and cushion the impact of the crisis on the most vulnerable groups, and was continuing to pursue the aims of the national plan of action for the implementation of the World Declaration on the Survival, Protection and Development of Children. In addition, the 79 Indonesian NGOs dealing with the rights of the child had, with the support of the Government and UNICEF, established an independent National Commission on Child Protection. That body had established 17 branch offices throughout the country, which were currently providing play therapy and other reintegration activities for children who had been internally displaced or otherwise affected by civil violence.

84. Mr. MORENO (Italy), endorsing the statement made by the Portuguese delegation on behalf of the European Union, said that during the meeting on 23 March 2000 of the Working Group on the optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, Italy had joined in the general consensus. It had, however, requested that the report of the Working Group should include a paragraph setting out the Italian position regarding the minimum age for the participation of children in armed conflicts.

85. The provisions of the protocol must be applied as broadly as possible. In addition, the instrument must be improved during its first revision. For example, the phrase "to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities" in article 1 required an authentic interpretation of the word "direct". The Government and public opinion must be aware of the conditions which would determine what a direct part was, as opposed to an indirect part.

86. Mr. NIKIFOROV (Russian Federation) noted that children had special rights, and were thus entitled to special attention from the adult world. According to the provisions of the Convention on the Rights of the Child, the State must ensure the survival and development of the child "to the maximum extent possible", as well as the rights to medical care, to a name and to nationality.

87. The Convention provided for the protection of children's rights in armed conflicts. The nature of conflict had changed, to the point where 90 per cent of victims were currently civilians, at least half of whom were children. The Russian Federation supported the draft optional protocol to the Convention on the Rights of the Child on involvement of children in conflicts, but regretted that the Working Group on that question had been unable to fulfil its mandate by

creating a new, effective mechanism. Had the positions of a number of States been more flexible and responsible, it might have been possible to include the 18-year age-limit for recruitment in the armed forces.

88. Neglect, drug addiction, trafficking of children or even of their organs and sexual exploitation, including through the use of the Internet, were a stark reality for many young people. The work of the Special Rapporteur on the sale of children, child prostitution and child pornography was to be commended and supported. The finalization of the draft optional protocol to the Convention on the Rights of the Child on that subject was a welcome development.

89. The principles of the best interests of the child and of the full development of the individual had always underpinned activities carried out for children in the Russian Federation. In 1998 the Government had consolidated legislation in that field by adopting an act which set out guarantees for the rights of the child. Child neglect, which had previously been unknown in the Russian Federation, was a complex and very acute problem. In the past three years, a programme and an act on the prevention of child neglect and juvenile crime had been adopted, along with a series of urgent measures against child neglect. Those measures would inter alia identify drop-outs and homeless children, establish new institutions for the reintegration of neglected children including drug addicts, and organize leisure activities as a preventive measure against child neglect.

90. Despite economic difficulties, the Government was finding ways of providing social assistance to the most disadvantaged groups, and especially children. Assistance was being targeted to those with the lowest family income, who needed public assistance the most. In the allocation of public funds, the various children's programmes were constantly given priority.

91. At such a difficult time in Russian history, international cooperation for the protection of children's rights was of special importance, all the more so as it led to positive results. UNICEF had been supporting a project which set up posts of officials responsible for children's rights at the regional level, and the work of such officials had met with much public enthusiasm and support in the Russian Federation. The project had therefore been extended.

92. Mr. PACURETU (Romania), endorsing the statement delivered by the representative of Portugal on behalf of the European Union and associated States, said that constant efforts were required to ensure the protection and promotion of children's rights.

93. In the past decade, Romania had carried out a reform which had placed the highest priority on the best interests of the child, had decentralized responsibility for the protection of children and the promotion of their rights, and had placed emphasis on family alternative care instead of residential care. It had also brought its laws governing adoption into line with international standards, thus reducing the time spent by children in residential units. Much effort had gone into measures to identify and assist children and families in difficulty, to protect the family environment and to monitor institutions in charge of child protection. About 30,000 children had benefited from State protection services, and 180 new social assistance programmes had been set up in partnership with some 600 NGOs.

94. Romania recognized the efforts of the Committee on the Rights of the Child to improve monitoring of the Convention's implementation. The proposals to make better use of the Committee in raising awareness and accountability of States merited full support. His delegation called for the early adoption of the two optional protocols to the Convention on the Rights of the Child and for widespread accession to those instruments. The fact that the protocols were binding would ensure that they had an impact. In order for the international instruments to be effective, they must be accompanied by national legislation and practical actions. Romania would do its part in that regard.

95. Mr. PRASAD (India) said that despite the elaboration of the Convention on the Rights of the Child, millions of children remained deprived of their basic rights, primarily owing to widespread poverty.

96. India's Constitution provided a framework for the protection, development and welfare of children, and prohibited child labour in factories, mines and other hazardous occupations. It assigned to the State the tasks of protecting children from exploitation and moral and material abandonment and of providing them with opportunities for healthy development. Under the Constitution, education must be free and compulsory until the age of 14.

97. In 1974 the Indian Government had adopted a national policy for children, which had established that the State must provide adequate services for all children, including a comprehensive health programme, supplementary nutrition for mothers and children, nutrition education for mothers, promotion of physical education and special consideration for children from the weaker sections of society. At about the same time, a national children's fund had been set up to support voluntary organizations running child welfare programmes. The Integrated Child Development Services programme had been created in the early 1970s and expanded in 1996, and was the main Government programme for early childhood survival. The programme currently benefited over 18 million children and about 5 million nursing or pregnant mothers. A department of women and children development had been established at the Ministry of Human Resources Development and had in 1992 formulated a national plan of action for children, which addressed such priority areas as health, nutrition, education and the provision of safe water. With the support of UNICEF, a campaign to enhance child participation had begun. Child mortality had significantly declined as a result.

98. Universal primary education was one of the key objectives of the budget policies recently announced by the Government. It was currently considering a constitutional amendment which would make free and compulsory education for all children from 6 to 14 a fundamental right, and would give parents and guardians the duty to provide their children with educational opportunities. The Government was committed to concerted action against problems affecting children owing to poverty, and was in the process of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182).

99. The consensus reached by the working group on the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts was a welcome development. Children must not be recruited for warfare. Democratic Governments did not engage in such practices. However, non-State actors such as armed rebels, insurgents and terrorists recruited children, often forcibly. To the deep regret of his countrymen, schools

and seminaries in their region were still being misused to instil hatred and intolerance in young people, who were then used as cannon fodder for terrorist acts. While the draft optional protocol touched on non-State actors, it did so with less emphasis than might have been desirable.

100. It was to be hoped that the Commission would at its current session adopt the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which in view of the growing incidence of such crimes was long overdue.

101. Mr. DESPOUY (Argentina) said that Argentina would fully support the statement that the delegation of Venezuela would be delivering on behalf of the group of Latin American and Caribbean countries. Argentina welcomed the finalization of the two draft optional protocols to the Convention on the Rights of the Child, which would permit the international community to unite its forces against the social and moral scourges of the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.

102. In Argentina's view, the protection of the rights of the child should begin at the moment of conception and should be respected during gestation. A child's right to an identity included nationality, name and family relationships, as well as the restitution of such aspects of identity as might have been denied to the child by illicit means. In Argentina, the Grandmothers of the Plaza de Mayo had succeeded in solving 66 cases of children who had disappeared under the military dictatorship. The discovery of some of those children in Paraguay, and the laudable efforts recently undertaken by the Uruguayan President, Jorge Battle, to identify the granddaughter of Juan Gelman, underscored the need for a universal convention against forced or involuntary disappearances.

103. Argentina considered that the right to grow up in a family was of crucial importance for the full development of the child's personality. It was thus concerned about the large number of cases in which the rights of children to have personal relations and direct contact with both parents, even when they were living far apart, were violated. It was particularly concerned that children were frequently removed to other countries and illicitly detained there, in violation of article 11, and supported all efforts to deal with such cases when they arose.

The meeting rose at 9 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.00-12718 (E)

The meeting was called to order at 10.15 a.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

Special debate on poverty and the enjoyment of human rights

1. The CHAIRMAN said that the choice of poverty and the enjoyment of human rights as topic for a special debate was timely. Many initiatives to address poverty were under way and States' commitments to eradicating poverty were under review. The Commission itself was considering a draft declaration on human rights and extreme poverty. In spite of those initiatives, poverty persisted as a threat to peace, security and human dignity. He urged the Commission to seize the opportunity to make a difference to the lives of millions of people living in poverty, focusing on the question of how that could be best achieved, from the perspective of the realization of human rights.

2. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the title of the special debate presented an apparent contradiction: poverty was not, after all, associated with the enjoyment of human rights but rather with their denial and deprivation. The title was however, an encouragement to viewing poverty in its true light, as a denial of a whole range of rights pertaining to the human being, based on each individual's dignity and worth. Tackling poverty was a fundamental human rights issue.

3. That was easily stated but had not as yet become an operational reality. She looked forward with optimism to the day when the Boards of the World Bank and the International Monetary Fund (IMF) explicitly accepted that, in addressing world poverty, their analysis and response should be based on protecting and promoting a whole range of human rights. They seemed to be moving in that direction; a momentum that should be encouraged.

4. The debate was therefore timely. As the international community reviewed the implementation of the commitments to eradicating poverty that it had made at the World Summit for Social Development in Copenhagen, the Commission could identify new solutions to poverty from its particular perspective, namely, the promotion and protection of human rights. The Commission could give leadership in showing that poverty reduction strategies would have a greater potential for success, if their approach included the realization of human rights.

5. The figures for world poverty were sobering. Some 1.2 billion people survived on less than US$ 1 a day and 790 million suffered from malnutrition. One hundred and forty million school-age children did not attend school and 900 million adults were illiterate. Almost 34 million people were living with HIV/AIDS, the vast majority in developing countries. Those hardest hit by poverty were women, children, ethnic minorities and indigenous peoples. In sub-Saharan Africa, 51 per cent of the population lived in absolute poverty.

6. Poverty affected housing, health, food and education. It was, however, more than just a social or economic problem. Poverty left people voiceless and powerless, distancing them from the people and institutions making the decisions that affected their lives. Their powerlessness, in turn, made the poor even more vulnerable to abuse and to the cyclical patterns of poverty that could keep the poor and their children in the same state for

generations. As the winner of the Nobel Prize for economics, Amartya Sen, had said, poverty must be seen as the deprivation of basic capabilities, rather than merely as lowness of incomes.

7. The link between poverty and the enjoyment of human rights was clear and strong. The reality of poverty was that the poor were denied almost all their human rights - the right to adequate housing, primary health care, education and food - as well as the normal benefits of citizenship, such as fair legal treatment and access to justice, participation in decision-making and access to information and technology.

8. It was evident that poverty was a multidimensional problem requiring strategies that promoted the active participation of all in society and the fair distribution of benefits. Insofar as poverty was a denial of human rights, then the realization of all human rights provided a meaningful strategy to surmount poverty: the rights-based approach.

9. That approach consisted of integrating the long-established framework of norms, standards and principles of the international human rights system into the plans, policies and processes of poverty reduction. It sought to address the causes of poverty and proposed solutions by identifying rights holders and duty bearers.

10. It might be asked what a rights-based approach brought to the many strategies to reduce poverty that already existed. At the World Summit, the international community had made firm commitments to eradicate extreme poverty, substantially reduce overall poverty and develop national plans to that end. In 1997, it had proclaimed the First United Nations Decade for the Eradication of Poverty (1997-2006) and set the target date of 2015 to halve extreme poverty.

11. The World Bank's poverty reduction strategy was currently based on the premise that practical action to combat poverty should be country-driven, results-orientated, partnership-based, framed within a long-term perspective and comprehensive. The United Nations Development Programme (UNDP) had just launched the Poverty Report 2000, "Overcoming Human Poverty", in the context of the review of the Social Summit's commitments, calling for a new global strategy against poverty. The Secretary-General had recently given priority, in his vision of the role of the United Nations, to achieving "freedom from want".

12. Poverty-reduction strategies promoted the enjoyment of human rights to varying degrees, either implicitly or explicitly. A rights-based approach went further, arguing that the realization of human rights was the primary goal of poverty reduction. She believed that adopting a rights-based approach provided the basis for more successful poverty-reduction strategies.

13. First of all, the rights-based approach ensured that the human dimension was not lost when strategies to reduce poverty were developed. It empowered the individual and the community by enhancing the human dimension of such strategies, focusing on special groups that needed attention.

14. Secondly, the rights-based approach was a grass-roots one. It sought to empower the poor through creating the conditions needed for popular participation in decision-making and through strengthening institutions of governance and democracy.

15. Thirdly, the rights-based approach was all-encompassing. Poverty was a multidimensional problem requiring broad-based solutions that went beyond economic formulas. The human rights perspective provided the framework for developing a multisectoral approach to poverty reduction through the right to development, which envisaged the realization of all human rights: civil, cultural, economic, political and social.

16. Fourthly, the rights-based approach was preventive. By protecting human rights, the international community could help prevent the conditions that led to poverty: the social, economic and political exclusion that continued to plague humanity and destroy developmental efforts.

17. Lastly, the rights-based approach was supportive of States trying to combat poverty. Inegrating a rights-based approach was not about forcing conditionalities on to States in their endeavours to combat poverty. It was about working with the poor, wherever they were, and developing strategies that supported their context for the enjoyment of human rights.

18. It would be very significant if the Commission could deepen its awareness of how to adopt and advocate a rights-based approach in developing poverty-reduction strategies. The Commission already had a number of initiatives to consider. She welcomed the comments made during the session concerning some of those initiatives, such as the global alliance to fight poverty proposed by the independent expert on extreme poverty and the comments in support of the work on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would grant individuals or groups the right to submit communications concerning non-compliance with the Covenant.

19. The Commission also had before it the report of the expert workshop convened in 1999 to consider the question of a draft declaration on extreme poverty; the joint report of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment; and the report of the Special Rapporteur on the right to education. The Committee on Economic, Social and Cultural Rights was examining the question of poverty in the context of globalization. There was also Economic and Social Council resolution 1998/51 on integrating the human rights of women throughout the United Nations system, which paid particular attention to the feminization of poverty, its causes and remedies. In that context, it was gratifying that three members of the panel were women.

20. There remained many issues to be addressed, nonetheless. The debate on poverty offered the opportunity of a real step in the direction of reducing poverty through the promotion and protection of human rights.

21. Lastly, she recalled that the Secretary-General had urged the Commission to give momentum to the common struggle of the international community to place development at the service of human rights and human rights at the service of development. She urged the Commission to direct that momentum so that human rights and development were placed at the service of the poor.

22. Ms. SORGHO-MOULINIER (United Nations Development Programme (UNDP)), said that poverty eradication was the central mission of UNDP which, over the past decade, had been

inspired by the upsurge of concern for international human rights. The human rights normative framework had provided a solid foundation on which UNDP could build a stronger case for eradicating poverty.

23. First of all, she wished to focus on the definition of poverty. Most conventionally, it was defined as a lack of income and measured by the number of people whose incomes fell below a certain level. Poverty was, however, more than that: it was a deprivation of the most basic choices available to people, such as a healthy life, education, a decent standard of living and the opportunity to take part in the life of a community. UNDP distinguished human poverty from income poverty. Such a broader definition was consistent with the rights-based approach.

24. UNDP addressed human rights and poverty eradication primarily through global advocacy and by assisting Governments to develop national capacity. The factors that had encouraged it to embark on a rights-based approach to development and the eradication of poverty included the Secretary-General's call to integrate human rights standards and principles into all United Nations activities; its path-breaking policy of integrating human rights with sustainable human development; the 1998 Memorandum of Understanding between the UNDP Administrator and the High Commissioner for Human Rights, spelling out in detail areas of joint cooperation and identifying priority activities; and, most importantly, the growing awareness that linking human development and human rights strengthened the efforts to fight poverty.

25. UNDP had embarked on the task of integrating human rights into its programming, the entry point being the programming tools developed at country level by UNDP country offices and by the United Nations country teams under the leadership of the resident coordinator. Common country assessments (CCA) and the United Nations Development Assistance Framework (UNDAF) - the United Nations agencies' concerted response to countries' development needs - were increasingly adopting the rights-based approach as a programming device. The national human development reports promoted by UNDP also highlighted the link between sustainable human development, poverty and human rights. Another important programming activity was the joint human rights strengthening programme of UNDP and the Office of the High Commissioner, which aimed at strengthening national capacities in human rights.

26. A specific support for programming exercises had been the four regional workshops organized in 1999 for UNDP resident representatives or resident coordinators and a number of government representatives, in order to build up their capacity to streamline human rights in development programmes in line with the key human rights principles of universality, indivisibility, non-discrimination and participation. The workshops had been held in Africa, Asia, Eastern Europe and the Commonwealth of Independent States (CIS). UNDP was also gradually learning to use the International Covenants on Human Rights as essential references for its work. UNDP work was further facilitated by its participation in the global dialogues on human rights and development.

27. UNDP promoted human rights and the fight against poverty through periodic poverty assessment reports and the annual Human Development Report. The latest Report, to be

released in June, would focus on the interrelationship between human rights and human development. She hoped that it would be a useful reference for both development and human rights practitioners.

28. The Poverty Report 2000 came at an important juncture, when the review of progress in the fight against poverty five years after the World Summit for Social Development was to take place. The Report assessed a broad range of national poverty programmes and highlighted issues lying at the core of human rights concerns. It called for a new global strategy against poverty with more resources, a sharper focus and a stronger commitment. It also recommended the development of comprehensive national anti-poverty plans. It called for a new generation of poverty programmes which would make growth more pro-poor, target inequality and emphasize the empowerment of the poor. It further emphasized that responsive and accountable institutions of governance were often the missing link between anti-poverty efforts and poverty reduction. Governments therefore needed to be accountable to their people.

29. The Report recommended that resources should be focused on the poor, since, lacking organization and power, the benefits of poverty programmes rarely reached them. Moreover, most poverty programmes failed to focus on gender inequality, which was both a denial of human rights and a major source of poverty. The Report also boldly suggested that, if corruption were cleaned up at the same time as the poor organized themselves, many national programmes would immediately ratchet up their success in directing their benefits to the people who needed them. Such recommendations reflected the concerns of the bodies of principles and standards of human rights. Freedom from want for everyone in the world was possible, as the Human Development Report argued most convincingly.

30. Lastly, she noted that UNDP looked to the Commission for guidance in the pioneering field of integrating human rights with human development. There were many tough issues ahead, but UNDP was encouraged by the growing wave of solidarity within the United Nations system and the international community that increasingly favoured a human rights approach in the development context. UNDP therefore looked forward to working closely with Governments. Through cooperation and dialogue, and the promotion and protection of human rights, it should be possible to make a quantum leap in overcoming poverty in the near future.

31. Mr. OSMANI (Professor of Development Economics, University of Ulster), addressing the economic implications of resource constraints for the rights-based approach to poverty eradication, said it was acknowledged that duty-bearers must be held accountable when any given rights were not fulfilled and, in most forums where the question was discussed, States were identified as the duty-bearers. When, however, States were called to account for failing to alleviate poverty, the question of resource constraints always arose. They argued that they were doing their best within their limited resources and could thus not be said to be failing. That was clearly a valid argument, but resource constraints could not be used as an excuse for real failure.

32. The clue as to how such a claim could be countered lay in general comment No. 12 on the right to adequate food of the Committee on Economic, Social and Cultural Rights: it spoke of the State's obligation to respect, protect and fulfil its citizens' right to food. There was, however, a difference between the rights that must be respected and protected and the rights that must be fulfilled. Respect for a right meant that the State must not obstruct lawful activities or

discriminate against a group pursuing its livelihood. If, however, a farmer was trying to cultivate land and someone rich and powerful was taking it away from him, he needed protection of his right rather than mere respect.

33. As Isaiah Berlin had said, however, respect and protection were negative rights; fulfilment, on the other hand, whereby the State had the duty actively to extricate its citizens from the trap of poverty and hunger, was a positive right. Moreover, it was the only requirement for ample resources. Very few resources were required for the respect or protection of human rights.

34. The International Covenant on Economic, Social and Cultural Rights spoke of "achieving progressively the full realization" of rights; clearly, poverty could not be eliminated overnight. The task of the international community - and, more particularly, the Committee and the Commission - was to establish whether a State was making best use of its resources.

35. Decisions on priorities should be made within States, but by agreement, in a participatory way, rather than by a decision imposed by an oligarchy. Only if, having set its priorities, a State could still not fulfil its target, might it be said to bear responsibility for its failure. It was thus clear that ultimately civil and political rights had to go hand in hand with economic, social and cultural rights, to enable all to participate in the decision-making process.

36. Mr. KOTHARI (Habitat International Coalition) said that about 100 million people in the world were homeless, with over one billion subjected to "insecure and inadequate housing and living conditions". They lived in all kinds of makeshift accommodation. Such people had no rights. They had no access to safe water or sanitation, were exposed to hot summers and harsh winters and were constantly at risk of eviction and disease. They often lived in earthquake or flood zones. Women and children were the worst affected.

37. The international community should address the implications as well as the causes of such abject poverty. Economic globalization had resulted in a loss of common property and resources, in "ghettoization" and segregation, with people unable to control market forces. It was also linked to non-compliance with national and international human rights instruments.

38. At the national level, there continued to be an overemphasis on accumulation of wealth per se and a lack of strategies for distributive justice. The global setting was characterized by a neo-liberalized, "marketized" consciousness, with a notorious disdain for the well-being of the poor. It had been shown that economic globalization reinforced poverty by widening gaps among countries and between classes.

39. Human rights instruments clearly offered the legal framework and ethical basis for questioning the detrimental effects of economic globalization. Integration with all multilateral institutions on human rights was therefore necessary, and the courageous work in that connection of the Sub-Commission on the Promotion and Protection of Human Rights and the Committee on Economic, Social and Cultural Rights deserved support. There was a need for a paradigm shift, which involved recognizing that the current system did not possess all the answers. The poor must be seen as participants rather than victims.

40. The ecological aspect of poverty was often ignored. However, recent studies in India had shown that biodiversity and access to water and other resources were often far more critical in determining poverty and wealth than purely monetary factors. It was thus essential to move from a purely economic agenda to one which respected peoples' rights and resources. Other studies had shown that tribal and indigenous groups were far less prone to disease and impoverishment when they had access to forest produce, and far more prone when they worked "outside", as labourers. Hence the importance of integrating human rights and environmental instruments.

41. There was an urgent need to address certain misconceptions through human rights education. The world increasingly viewed the poor as being responsible for social violence and environmental degradation, whereas they were actually the primary victims of such phenomena. A new form of discrimination had emerged, which must be taken into account in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: people were increasingly marginalized and discriminated against not merely on the grounds of race, class or gender, but primarily because they were poor. Discrimination of that kind did not feature in the existing instruments.

42. The Commission should play a leadership role in promoting global recognition of the human rights dimensions of poverty, which should be the central focus of its work. To that end, the Commission must offer mechanisms of its own to complement those elsewhere in the United Nations system. The Commission should also make an unequivocal statement to the effect that economic, social and cultural rights were both justiciable and enforceable. Ambiguity on that front would merely consign more people to poverty.

43. The Commission should also consider establishing a working group on poverty to study the multidimensional aspects of the issue. Moreover, it should approve the optional protocol to the International Covenant on Economic, Social and Cultural Rights at the earliest opportunity, so as to clarify misapprehensions as to the relevance of those rights. Alliances should be built with non-governmental organizations (NGOs) working on the issue, particularly with those dealing with the social impact of economic globalization and using the primacy of human rights as a basis for their work.

44. Governments, for their part, should recognize the obstacles impeding implementation of the international human rights instruments and collaborate with civil society to that end. They should also seek to identify why different government ministries had differing priorities in respect of human rights.

45. In addition, human rights must be stressed as a means of empowering both people and communities, of holding States accountable, and of transforming the internal structure of States through the empowerment of civil society. Above all, the Commission must develop mechanisms which would enable people and communities to claim their human rights and gain the means to overcome debilitating poverty.

46. Ms. LIZIN (Independent expert on human rights and extreme poverty) said that "coherence" between the Bretton Woods institutions, the World Trade Organization (WTO) and the United Nations agencies was essential to avoiding duplication in the fight against poverty.

Her report on human rights and extreme poverty (E/CN.4/2000/52) contained a number of recommendations and identified main obstacles in the campaign against poverty. In particular, she had stressed the ineluctable responsibility of States in respect of budgetary choices, and the importance of decentralization to reach the poor. Above all, it was essential to ensure access to services, as well as adequate protection and income for the poorest. The Commission should urge States to provide a coherent structure in which civil society might operate more effectively.

47. The interrelationship between the promotion and protection of human rights and the elimination of extreme poverty required further conceptualization. In devising strategies, it was vital to involve civil society including the poorest people and their communities. Only then might full account be taken of their needs. Also with a view to advancing the debate, special rapporteurs and institutions should be encouraged to include a chapter on extreme poverty in their annual reports.

48. Mr. RICUPERO (Secretary-General of United Nations Conference on Trade and Development (UNCTAD)) said that there was need for a return of the notion of mutuality of interests and of economies based on interdependence. There had been public protests in Washington recently over "footloose capital", namely the lack of commitment of transnational corporations to the welfare of their employees and local communities. The international community must act to ensure coherence not only between financial, monetary and trade policies, but also between macroeconomic policies and the social and humanitarian aspects.

49. The Bretton Woods institutions were engaged in elaborating national strategies for combating poverty in collaboration with Governments, with a view to finalizing up to 25 such plans by early 2001. The Commission must thus act quickly to ensure that elements such as the enjoyment of economic and social rights were incorporated into those plans, and that the United Nations was not bypassed in the elaboration process. The recent financial crisis in Asia had provided a telling example of the consequences of lack of coherence in the application of macroeconomic policy at the international level.

50. In trade negotiations, it was essential to ensure de facto - not merely de jure - reciprocity. To that end, the special and differential treatment of least developed and developing countries must be made binding. It was also crucial to evaluate the cost of trade commitments and technical assistance in respect of specific countries, and to ensure that the necessary resources were forthcoming. The Third United Nations Conference on the Least Developed Countries (to be held in Brussels in May 2001) should be results-oriented. To that end, it would be essential to stress the interrelationship between poverty, peace, security and human rights, including the right to development and economic and social rights.

51. Ms. SANTOS PAIS (United Nations Children's Fund (UNICEF)) said UNICEF had been promoting child-friendly reforms and assessing the impact of microeconomic reforms and public spending on children for 20 years. It had developed a set of indicators to monitor children's situation and guide policy reforms in order to reduce poverty and promote social inclusion.

52. Despite the progress made since the entry into force of the Convention on the Rights of the Child, millions of children were still in the grip of poverty and did not even figure in social

statistics. In a 30 trillion United States dollars global economy, 1.2 billion people, half of them children, lived in suffering and want. For the poorest countries, debt servicing undermined health systems and education, seriously compromising the realization of children's economic, social and cultural rights. At the same time, official development assistance (ODA) had declined steadily since 1992, affecting child mortality and access to education and safe drinking water.

53. The combination of poverty, HIV/AIDS and armed conflict posed an even greater threat to children's enjoyment of their human rights. Sub-Saharan Africa contained some 70 per cent of those infected by AIDS, a situation that threatened stability, exacerbated inequalities and drained already meagre financial and human resources. AIDS orphans were particularly vulnerable, being more likely to be malnourished and less likely to be immunized or go to school. Armed conflict compromised progress made in child health, nutrition and education, while women and children had become military targets.

54. UNICEF experience had shown, however, that all countries could implement children's rights and provide universal access to basic social services, even when income levels were low, as long as public policies and budget allocations were guided by the best interests of children, and given strong political commitment and community participation.

55. Mr. GALLEGOS CHIRIBOGA (Ecuador) said he was concerned that, given the lack of coherence within the United Nations system, the current discussion of human rights-based development and the eradication of poverty might have little impact. There was a yawning gap between the agreements reached in United Nations forums such as the Commission and the implementation of structural adjustment, trade and debt policies agencies such as the Bretton Woods institutions and the WTO. The Office of the High Commission for Human Rights (OHCHR) needed to be more closely involved in the negotiations on debt and structural adjustment.

56. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that poverty and marginalization were obstacles to social participation and the enjoyment of human rights. He asked the members of the panel to give their views on the dichotomy in modern societies between the increase in marginalization and the need to enhance social participation. While the main responsibility for combating poverty lay with States, which must use their available resources as effectively as possible, the fact remained that many States did not have adequate resources. He asked the panel why, in their opinion, the existing range of international support and cooperation measures had not had more success.

57. Human rights were interdependent and indivisible but, according to one current view, to combat poverty and promote development, it was better to concentrate initially on a few core rights. He wondered whether the panel shared that view. Lastly, he asked whether the panel thought that civil society and national human rights institutions were sufficiently involved in combating poverty and how their participation might be enhanced.

58. Mr. AKRAM (Pakistan) said that the problem of development was not primarily one of inadequate domestic policies. The countries that had been hardest hit by the recent global economic crisis were those most integrated into the global system, a fact that tended to indicate that the problems were mainly external. A real contribution to poverty reduction would be made

if a set of international rights could be established for States. The listed five rights: the right to adequate financing for development, the right to an equitable global trading system; the right to fair access to knowledge and technology; the right to non-discrimination within the global economy - the concept of the "level playing field" always worked against developing countries; and the right to effective participation in decision-making in, for example, the Bretton Woods institutions.

59. Mr. CASTRO GRANDE (El Salvador) said that the right to work was perhaps the most basic right, since, along with education, work was the means by which people fulfilled themselves as productive members of society. It was necessary to discuss not only capital and investment flows, therefore, but also the free movement of labour towards sources of employment.

60. Mr. FIGUEREDO (Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights) said it was very important that the human rights issue was beginning to be mainstreamed into the policy prescriptions of the United Nations system and the Bretton Woods institutions. The emphasis was currently still on those areas where the need was most urgent - the least-developed countries (LDCs) and the highly indebted poor countries (HIPCs) - but it was important to develop convergence and coherence further, into strategies for growth in most countries. Coherence also meant considering what specific Commission recommendations should be discussed at the review of the World Summit for Social Development ("Copenhagen Plus Five") and at the Brussels Conference on LDCs in 2001. Conditionality or a lack of coherence was very often a result of a lack of internal coordination - the same countries attended the meetings, but not always the same ministries.

61. Mr. KOBAYASHI (Japan) said that the difficulty for donor countries in respect of a rights-based approach to ODA was that recipients often saw it as interference in their internal affairs. His Government had, however, adopted such an approach in 1992, following concern that a purely economic approach was not having the desired effect. It currently paid attention to democratization, human rights and moves towards a market economy, stepping up aid to countries where democracy had been introduced and reducing it if undemocratic regimes came to power. It also took account of the principle in deciding what projects to support. It was not a matter of imposing its will but rather of encouraging human rights and democracy.

62. Mr. PADILLA MENENDEZ (Guatemala) said that good governance and democracy were essential to development within any country. It was also vital to have coherent national policies, otherwise it was impossible to devise coherent policies in intergovernmental institutions. Serious consideration also needed to be given to the question of where the resources for sustainable human development were to come from. He hoped that the discussion would lead to concrete recommendations and be taken into account in the Commission's resolutions.

63. Mr. NUSHIRWAN (Observer for Malaysia) said that the welter of statistics on poverty might be an indication that the international community, through the United Nations, had failed the world's poor. He wondered what place development in general and poverty eradication in particular had on the agenda of a United Nations family that was divided into poor men's clubs

and rich men's clubs. The emphasis on a rights-based approach to development, moreover, ignored the other side of the equation, namely the development-based approach to human rights, which had its own merits.

64. Reassurances that the rights-based approach was not an instrument of conditionality were not enough, since there was a real fear in developing countries that it could be used to introduce protectionist measures.

65. Lastly, he suggested that, in addition to the three obligations outlined by Mr. Osmani there should be a fourth obligation on States, namely, to cooperate to eradicate poverty.

66. Mr. GOPINATHAN (India), noting that ODA had not been mentioned until quite late in the discussion, said that resource availability was the most important factor in the development/rights issue. He would like to know what the panel considered to be a realistic date for achieving the ODA target of 0.7 per cent of gross domestic product (GDP).

67. He feared that, if a rights-based approach to poverty eradication was adopted, human rights could continue to be used as a condition for aid or an instrument of protection.

68. With regard to globalization and the involvement of non-State actors in poverty eradication, he wondered how the phenomenon of globalization could be humanized and what the obligations of, for example, transnational corporations, might be and how it would be possible to monitor their compliance.

69. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that poverty could not be viewed in isolation. There was an undeniable link between poverty, human rights and peace and stability. Furthermore, since internal stability enhanced international stability, the international community clearly had an interest in formulating policies favourable to poverty eradication, including a review of the commodity pricing system and the international finance system, and improvements to the administration of United Nations development aid.

70. Ms. SORGHO-MOULINIER (United Nations Development Programme (UNDP)), referring to the recently-published report "Overcoming human poverty 2000", said UNDP believed it was essential to increase ODA to developing countries; however, it also supported States in reorienting the available resources so as to make better development choices and involve the poor in policy-making.

71. Mr. RICUPERO (Secretary-General of the United Nations Conference on Trade and Development UNCTAD) said that he was in favour of the rights-based approach, but warned that it was not enough to provide rights: the means to enjoy those rights must also exist. Affirmative action was needed to close the gaps between countries' different starting-points if the ideas of the level playing field and equal opportunities were to be meaningful.

72. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), responding to the representative of Portugal, said that one of the OHCHR priorities was to enhance its work on the right to development and engage more closely with the World Bank and UNCTAD, as it already did with UNDP. She welcomed delegations' positive response to the rights-based

approach. The aim was not to impose new conditions, but to enable people to influence the circumstances of their own lives in order to combat poverty, and that had implications for Governments' approach to poverty eradication.

73. Mr. OSMANI (Professor of Development Economics, University of Ulster) said that he was unable to agree with the representative of Guatemala that the participatory approach was workable only in a democracy. A democracy was not the only institutional framework in which a participatory decision-making process was feasible. Brazil had used a participatory approach towards health matters, for example, which had been highly successful. While democracy was not essential, political and civil freedoms and rights were.

74. The observer for Malaysia had suggested that States should also have a duty to cooperate. In that regard, he thought it was important to maintain a distinction between goals and instruments. He preferred to think of such rights as the right to food or education as goals, and cooperation was one of the instruments needed to achieve such goals. It was not helpful to apply the terminology of human rights to instruments.

75. The same applied to the suggestion put forward by the representative of Pakistan with regard to five additional rights: those rights were not goals but instruments. That representative had also stated that poverty was not primarily the result of domestic policy but, rather, the product of the international economic system. While it was true that the international economy had a significant impact on national economies, it was not primarily responsible for poverty in developing countries. China and the South-East Asian countries had had considerable success in dealing with poverty, and that success was largely due to their own domestic policies.

76. Mr. KOTHARI (Habitat International Coalition) said that there was a large and growing movement in civil society against economic globalization. The Commission must find ways to collaborate with such powerful global movements, and demand that international institutions reform, and become accountable to human rights principles. The fear some developing countries had of conditionality was real, if possibly misplaced. If it was acknowledged that human rights instruments represented a coherent challenge, countries' existing human rights obligations would constitute the best defence. It might be a good idea if the representatives of some countries stood up in international forums and said that their existing obligations would not permit them to become parties to agreements that would have a negative impact on vulnerable sectors of their peoples.

77. The Commission must demand that the primacy of human rights be stressed at the Social Summit.

78. Mr. ZAFERA (Madagascar) said that none of the steps taken to reduce poverty could be effective in the absence of a firm commitment and political will. The representative of UNDP had stated that her organization's main objective was the elimination of poverty. In view of the fact that UNDP appeared to have had difficulty recently in mobilizing resources and that poverty appeared to be on the increase rather than on the decrease, he wondered what means UNDP was employing to carry out its duty of eliminating poverty.

79. The Secretary-General of UNCTAD had referred to the forthcoming United Nations Conference on the Least Developed Countries. It would be interesting to hear what precise actions he thought that the international community could take with regard to debt.

80. Ms. JAHAN (Bangladesh) said that her delegation endorsed Mr. Osmani's conclusions. Nevertheless, national efforts must be supported by international cooperation and the creation of an equitable external economic environment. Anti-poverty measures at all levels should channel the available funds towards socio-economic programmes that would empower the poor and marginalized, particularly women. There must also be increased investment in human resources. At the root of the problem was not so much a lack of resources, as the inequitable distribution of resources both within and among nations. A human rights-based approach was attractive because it recognized beneficiaries as active participants.

81. Ms. NEURY (Centre Europe-Tiers Monde) said that all reports and indicators pointed to the fact that the gap between rich and poor had widened considerably in the past few decades, with a consequent deterioration in human rights. The economic and social mechanisms responsible for creating that gap must be urgently addressed. The current organization of production and the inequitable distribution of its products were the basic cause of poverty. It was therefore meaningless to make an arbitrary distinction between poverty and extreme poverty.

82. Similarly, the cancellation of the debt of one or more countries would do nothing to resolve the problem of ever-increasing third-world debt. The origins of such debt must be recognized, as must the fact that any reduction or cancellation of developing countries' debts could only count as reparation for the historical depredations they and their people had suffered.

83. It was unbelievable that the HIPC initiative should propose that no country would be eligible for debt relief unless its Government declared its commitment to eradicate poverty. The countries concerned had for years been suffering the negative effects of structural adjustment programmes: the increase in poverty amongst their populations had been in direct proportion to the measures imposed on them by the Bretton Woods institutions. It was not surprising that poverty was being made a condition for international financial assistance, when the World Bank had recently published research demonstrating that poverty was a phenomenon for which States were solely responsible.

84. Peoples must not be expected to adapt themselves to globalization: globalization must adapt itself to the needs of peoples and human beings. The fight against poverty demanded that the mechanisms of globalization be revised and wealth equitably distributed. As it was, increasing globalization concentrated wealth in ever-decreasing circles, while poverty was ever more widely distributed.

85. Mr. REN Yisheng (China) said that, over the past two decades, his Government had successfully implemented integrated social programmes for the eradication of poverty. Sustainable social development was a precondition for the eradication of poverty, and every country must improve education and introduce programmes that corresponded to the realities in

that country in order to enable its citizens to move towards prosperity. A new and equitable international economic order and equitable trade relations must also be established. Financial and other assistance must be made available to the developing countries.

86. Mr. BROWN (United States) said that his delegation agreed with the remarks regarding the accountability of States for the distribution of resources, which could be linked to the need to provide the rule of law that was essential to the realization of all human rights. He also agreed that human rights considerations should be integrated into the international economic system. However, sustained economic growth was essential to the elimination of poverty. The concept of a human rights-based approach was appealing but limited: there was as yet a lack of consensus on what such an approach should entail. He did not believe that a declaration of principles would be useful, and would prefer to concentrate on the HIPC and other initiatives. While the international community could do more, countries must take the experiences of the poor into account when addressing the issue.

87. Mr. RONNAS (Observer for Sweden) said that his Government had a broad perspective on policy that went beyond the purely conventional aspects of income, consumption, health and education and included risk, vulnerability and lack of voice and power. In addressing the issue of poverty, it must be borne in mind that women represented the majority of the poor. His Government believed that the way forward lay in cooperation. When individual Governments were willing to mobilize resources, cooperation must be forthcoming from the international community. Sweden made a contribution to such cooperation, devoting 7.7 per cent of its GNP to ODA. A major challenge in combating poverty was ensuring cooperation and coordination of all the relevant actors within the United Nations system. The Commission had an important contribution to make in that regard.

88. Ms. KONGSVIK (Norway) said that the reduction of poverty had always been a key objective of her country's cooperation strategy. However, that strategy was currently being adjusted and a holistic approach was being adopted in recognition of the fact that development and human rights were two sides of the same coin. Because of the interrelationship of rights, improvement in one area usually brought about improvement in others. For example, freedom of expression often created pressure for improvement in economic and social conditions. Human rights provided an important framework for development activity. She wished to stress the fact that development cooperation was concerned with justice, not charity.

89. Ms. BUNCH (Women's Caucus) said that the Commission's current debate was timely in view of the forthcoming Beijing Plus Five Conference. The Beijing Platform for Action related to the human rights of women, and poverty was the first chapter of that Platform. Nevertheless, the chapters on poverty and the economy made few references to human rights. It was poverty and women's lack of economic power that prevented them from exercising their human rights. A majority of women were one death or one divorce away from poverty for most of their lives. Most women lived in fear of poverty, and that fear intersected with violence against women to increase their vulnerability. All programmes must address women's poverty.

90. Ms. EZEIB (Women's Caucus) said that she wished to emphasize the link between poverty and the denial of women's inheritance and landownership rights, which contributed to the poverty of women in developing countries in Africa and elsewhere. The question was

particularly relevant in view of the current HIV/AIDS epidemic and the widespread civil strife affecting many African countries, as a result of which many women were widowed early and denied access to means of production. She therefore urged the independent expert to examine the relationship between inheritance rights and poverty.

91. The CHAIRMAN, summarizing the Commission's special debate on poverty and its impact on the enjoyment of human rights, said that the patterns of poverty, discrimination and disease were not unconquerable. Given the resources available, those deadly cycles could be broken within a single generation. The roots of poverty must be tackled nationally as well as in the quest for a more equitable international order.

92. Tackling poverty was a fundamental human rights issue, because poverty was a threat to peace, security and human rights. The realization of human rights was the primary goal of poverty reduction. The Commission could make a difference by promoting a rights-based approach. It could also respond to the call of the development and financial agencies for guidance in the integration of human rights and the implementation of a rights-based approach. Poverty should be a central focus of the Commission's work, and it should insist on the enforceability of economic, social and cultural rights and on their justiciability. It should insist on poverty alleviation for the world's children.

93. The Secretary-General's call for the halving of poverty by the year 2015 had received widespread support, as had his call for all children to have access to primary education by that date.

94. There was growing awareness that the roots of poverty could be attacked by linking human rights and development. Wide-ranging debt relief was crucial for the elimination of global poverty, as was a more favourable international economic system that would meet the interests of all countries.

95. Equality of opportunity for development was as much a prerogative of nations as of the individuals within them. The increasing feminization of poverty was a cause for deep concern. The belief that everyone was entitled to a social and international order in which human rights and fundamental freedoms could be realized was fundamental to the contemporary world. The poor must be considered as participants rather than as victims.

96. The international community had a moral duty to help eliminate poverty, strengthen its commitment and assistance and support efforts at the national level so as to enable every individual to enjoy equality of opportunity for development. All Commission rapporteurs should include in their reports a chapter on the poor. There must be coherence between the different actors and international institutions. All were equally responsible and accountable, and all must be given the chance to grow and develop to the full extent of their abilities.

97. Increased attention must be paid to the realization of economic, social and cultural rights. National and international strategies for human rights and development should focus increasingly on implementation of the International Covenant on Economic, Social and Cultural Rights. The

obligation to respect, protect and fulfil basic economic, social and cultural rights must be pursued and coherence must be created between macroeconomic policies and a social framework which reflected human rights.

98. Respect for human rights could help to bring about more equitable and just societies, thereby contributing to the reduction of poverty. The principle of non-discrimination was fundamental, as was participation by citizens in social and economic decision-making.

99. Every Government had a responsibility to make optimum use of its resources and prioritize the realization of basic economic and social rights for all its people, who must be assured of enjoyment of the right to food, health, shelter and education.

100. Available resources must be used fairly and justly in the interests of all the people. Inefficiency and corrupt governance led to and exacerbated poverty. The incidence of poverty must be monitored with a view to comprehending the scale of the problem and tackling the plight of the poor in an equitable manner.

The meeting rose at 1.05 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. IBRAHIM (The Sudan)

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GE.00-12736 (E)

The meeting was called to order at 3.05 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/2000/52 and Add.1)

Special debate on poverty and the enjoyment of human rights (continued)

1. Mr. HUSSAIN (Observer for Iraq) said that his delegation welcomed the fact that the special debate was being held. Although Iraq was a rich country with the potential to enable its people to live in dignity, it had been hit hard by poverty owing to the economic embargo imposed by the Security Council, which had completely paralysed the exercise of the right to development. His delegation requested the Commission to make an in-depth study of the devastating impact of the embargo on the exercise of essential human rights such as the right to life, education, food and health, and to state its position clearly.[*]

2. Ms. STEFFEN (Canada) said that poverty did not simply mean a shortage of economic resources. It meant the inability to change one's life in order to solve one's problems and the inability to participate fully in social life. People living in extreme poverty were liable to be marginalized and discriminated against. The situation of women and girls required special attention. For many years, development programmes had stressed non-discrimination, participation, good governance and the primacy of the rule of law, all of which depended squarely on the effectiveness of the aid that was made available. Canada's official development assistance (ODA) aimed to promote sustainable development, the primary objective being to reduce poverty. Canada was an active participant in the initiative to alleviate the debt burden of the most heavily indebted countries.

3. Mr. TOBIN (United Kingdom) said that specific measures needed to be taken to reduce poverty in developing countries. Massive investment in the infrastructures of those countries was required (water supply, sanitation, health care, electricity, transport, communications and education) in order to create favourable conditions for economic growth. The donor community should coordinate efforts to address that need and cooperate with businesses and local non-governmental organizations (NGOs). The development of an efficient private sector and good governance were essential prerequisites.

4. Ms. ABOULNAGA (Observer for Egypt), noting that poverty was the main obstacle to development, said that the aim of the recent summit in Cairo attended by African and European countries had been to fill the gaps in international efforts to help developing countries, especially in Africa. Although half the world's population managed to survive on $2 a day, ODA was dwindling and the objectives approved at the World Summit for Social Development in Copenhagen had not been met. The policies pursued by developing countries in their attempts to reduce poverty had been thwarted by the closure of markets in developed countries and the destabilization of the system of international trade. In line with the Washington consensus, international organizations should pursue coherent policies to help developing countries cope with their debts and weather financial crises.

5. Mr. HILL (Observer for New Zealand) said that only a coherent policy and concerted efforts would provide the means to eliminate extreme poverty, which was one of the greatest

challenges currently facing the international community. The international community needed to utilize all its capacity, experience and resources to that end. It was a question of respect for human rights and social justice. New Zealand stood ready to cooperate in that endeavour, highlighting the importance of good governance and the equitable distribution of ODA.

6. Mr. TANDAR (Observer for Afghanistan) said that he regretted two shortcomings in the international legal order concerning poverty. First, there was no provision for punishing complicity in cases of corruption. When the existence of illegal bank accounts containing substantial sums was revealed, sometimes equivalent to the size of a national budget, the guilty party escaped punishment. Second, there was no mechanism to penalize enterprises which took the national resources of poor countries hostage by encouraging and financing civil wars. Such omissions needed to be rectified.

7. Mr. CHATTY (Tunisia) said that it was important to study the objective causes, both internal and especially external, which led to poverty and impeded development and to consider poverty in the setting of the right to development. Given that specific measures were needed to realize the right to development, the Tunisian Government had set up a national solidarity fund and a national solidarity bank which had been conspicuously successful in reducing poverty in Tunisia. The Commission might wish to take note of the innovative and interesting idea put forward by the President of Tunisia, who had proposed the establishment of a worldwide fund for solidarity and poverty reduction.

8. Mr. DESPOUY (Argentina) said that, since the publication of the first report on extreme poverty 14 years before, thinking on the issue had evolved considerably. There was now a genuine awareness in the Commission of the connection between extreme poverty and human rights and consensus on the need for an open debate on the subject. Another important realization was that poverty was not just an economic issue, but a whole nexus of inter-related insecurities causing a vicious downward spiral and impacting directly on human rights. In order to escape the fatalism and vicious circle of poverty, it was essential to help people and work alongside them. Giving people back the rights which had been taken away from them, as in the case of the victims of apartheid, would promote human fellowship, democracy, and a rebirth of the human spirit.

9. Mr. OYARCE (Chile) said that the fight against extreme poverty was an important component in promoting human rights; the United Nations system should therefore adopt a comprehensive approach to the issue which took account of all aspects of development. The forthcoming review of the World Summit on Social Development would provide an opportunity to define national and international strategies to counter poverty and social exclusion.

10. Mr. KOTHARI (Habitat International Coalition) said that one of the points which the Commission should impress upon States was the need to redirect their existing resources towards the realization of development objectives. Resources channelled along such lines would be topped up by targeted support in the form of international cooperation, as envisaged under articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights. Another point which had barely been touched upon was the need to establish a national vulnerability index that took equal account of the quantifiable and unquantifiable elements of poverty.

11. Mr. RAMOS-HORTA (Asian Buddhist Conference for Peace) said that he was grateful to all Governments, United Nations agencies and NGOs which over the years had focused attention on the situation in East Timor and to all those countries which had come to East Timor's rescue when it had been threatened with extinction. The best test of Timorese gratitude would be specific measures to reconstruct the country.

12. The destruction of East Timor had been systematically planned. Buildings had been burned down and dynamited in urban and rural areas alike. Practically every household had been looted. Thousands of farm animals had been killed. Hundreds of innocent people had been killed in the space of a few days and 250,000 people had been abducted. Yet the Timorese harboured no hatred against their tormentors. They sympathized with Indonesia in the light of its considerable economic, social and political problems and also admired its recent progress towards democracy. The exchange of visits between the Presidents of the two countries just two months after the violence of September 1999 signalled their common desire to rebuild relations. Much remained to be done, but the Indonesian authorities had made commendable efforts to bring to justice those responsible for war crimes in East Timor. For the sake of justice and democracy, those directly or indirectly responsible for acts of torture, murder and rape should not go unpunished.

13. Reconstruction had begun in East Timor, but even the most basic services were lacking. The international community had pledged contributions of more than $1.2 billion. The United Nations had full executive and legislative authority; the World Bank was supervising the reconstruction effort; and the International Monetary Fund (IMF) was helping the East Timorese to develop a system for managing the economy. East Timorese nationals were involved in all central and local decision-making through the National Consultative Council. The border situation had stabilized. A civilian police force and a United Nations police force were being built up. A new judicial system had been established. Refugees were gradually returning home. The health-care and food situation remained a cause for concern, but United Nations agencies and humanitarian associations were feeding and assisting people who had lost everything. In order to ensure further progress, donor countries should show generosity at their scheduled meetings in Lisbon in June and Okinawa in July, where the question of East Timor would be on the agenda.

14. Poverty was connected with human rights. Billions of people were living in extreme poverty, which was not only a cause of great personal suffering, but also a threat to regional and international peace and security. Developing countries needed to slash their military budgets and divert funds to education, health care and poverty reduction. Donor countries and international agencies should increase development assistance to countries that reduced their defence budgets. Arms-producing countries should scale down weapons exports to developing countries and international financial institutions should share in efforts to secure peace and reduce poverty. The debts of the least developed countries (LDCs) should be cancelled and a moratorium declared on the debt repayments of countries which had significantly reduced their defence budget and allocated increased resources to education and health care.

15. East Timor had secured its freedom at the cost of many lives. If, in the coming years, it managed to eliminate illiteracy, poverty and malaria; provide all its citizens with clean water and electricity; ensure that everyone enjoyed freedom of expression; and replace weapons with

computers, schools and health centres, those sacrifices would not have been in vain. The East Timorese authorities had asked the High Commissioner for Human Rights to provide technical assistance in respect of the principal international human rights instruments so that the Parliament could proceed to ratify them expeditiously and thus help to promote a human rights culture through workshops and seminars.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/2000/69-72, 73 and Add.1-3, 74, 75 and 128; E/CN.4/2000/NGO/21, 35, 57, 59, 82, 88, 127 and 142; CRC/C/84, 87 and 90)

16. Mr. AMAT FORÉS (Cuba) said that, on 22 November 1999, unbeknown to his father, six-year-old Elián González, his mother and a dozen adults had attempted to cross the Florida strait. Their craft had sunk off the Florida coast and, on 25 November, Elián had been rescued by two fishermen. Distraught at his son's disappearance, Elián's father had contacted distant relatives living in Florida. Some of the relatives had subsequently learned of the boy's rescue and asked the United States Immigration and Naturalization Service to be allowed to care for him. Their request had been granted and, shortly afterwards, one of the boy's great-uncles had been made temporary guardian. The father had lost no time in informing the relatives that he would seek his son's return to Cuba. But, for over four months, the boy had been separated from his accustomed surroundings, in which he had been perfectly happy. He had been cruelly deprived of his father's love and the affection of his family. Barely two days after Elián's rescue, a Miami- and Washington-based terrorist organization called Fundación Nacional Cubano-Americana had started to exploit the harrowing case for political ends.

17. The United States federal judicial authorities had recently confirmed that the Justice Department (and its subordinate agency, the Immigration and Naturalization Service) had sole jurisdiction over the case, and that validated the latter agency's decision that the child should be returned to Cuba. The reaction of Miami's counter-revolutionary mafia had been instantaneous: calls for civil disobedience, threats of riots and reckless statements by politicians from the south of Florida. The Floridan great-uncle had persisted in his refusal to hand the boy over to his father voluntarily, thereby completely disregarding the demands of the United States authorities and public opinion in Cuba, the United States and the rest of the world. The United States thus gave the impression of being unable to enforce the law in its own territory while simultaneously enacting laws for application beyond its borders. The case was both a legal and moral issue, since it involved a child's emotional stability. It was a complete and utter travesty of the law.

18. Elián had been manipulated by the media and subjected to pressure designed to isolate him emotionally from his accustomed surroundings and the affection of his immediate family. International law, particularly human rights law, was crystal clear. According to article 1 of The Hague Convention on the Civil Aspects of International Child Abduction, States parties were obliged to ensure the return of minors who had been unlawfully removed or restrained in any contracting party. That provision was fully in accordance with article 9, paragraph 1; article 11, paragraph 1; and article 35 of the Convention on the Rights of the Child, which had been ratified by almost the entire international community except the United States. The preamble to that Convention stated that all children should grow up in a family environment. The same principle was clearly stated in the Programme of Action adopted by the World Conference on Human Rights in Vienna in 1993. Furthermore, article 8 of the Convention on the Rights of the Child stressed the right of the child to preserve his or her identity, including nationality, name and

family relations. Under article 9, paragraph 1, States parties undertook to ensure that children should not be separated from their parents against their will. It was therefore entirely obvious that the Commission on Human Rights should take a close interest in the case.

19. Quite apart from the emotion caused by the fate of an abducted child, the central issue in Elián's case was to determine whether the rules of law and humanitarian principles could be flouted. International rules were applicable to all countries and, once freely accepted, should be implemented by all States irrespective of their military and economic might. Were children from the South entitled fully to develop their personality in their native surroundings? A child should not have to live in a Northern country to realize his or her full potential as an individual and member of society. The Miami mafia was trying to convince Americans that the contrary was true, but their claims were sounding increasingly hollow.

20. Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean States, said that the new draft resolution on the rights of the child which the Group intended to introduce did not differ substantively from earlier resolutions on the same topic. The changes had mostly to do with structure and were designed to give the resolution a distinctive identity. Hence the preamble to each section had been deleted and the general preamble had been strengthened. Each new section contained specific initiatives designed to ensure better protection and promotion of the rights of the child. The resolution should facilitate the work of the key players, namely, United Nations agencies, Governments and NGOs.

21. Given the increasing number of violations of the Convention on the Rights of the Child and other relevant instruments (illegal adoptions, absconding parents, abductions, domestic and social violence, neglect and abuse), the new substantive provisions stressed the importance of the family as the natural environment enabling a child to develop fully. They dealt with the child's right to identity and the right to be registered and cared for by his or her parents. A short section would deal with violence against children. No mention had been made of the adoption of the Optional Protocol on the sale of children, child prostitution and child pornography, or on the involvement of children in armed conflicts, which would be the subject of a separate resolution.

22. The Group of Latin American and Caribbean States was open to all suggestions and counted on the support of all members of the Commission to produce a resolution that would encourage new thinking on the subject. The year 2000 was a milestone in the protection of the rights of the child firstly, because 2 September was the tenth anniversary of the entry into force of the Convention on the Rights of the Child and, secondly, because the two draft optional protocols referred to above had been adopted by the respective working groups. Although the texts were the result of a compromise, they nevertheless represented a notable advance in terms of respecting the best interests of the child, which was the fundamental principle enshrined in the Convention. The greater the number of States which adopted the protocol, the more secure those interests would be.

23. The Group of Latin American and Caribbean States urged all States parties to ratify the Convention on the Rights of the Child.

24. Ms. SCHELLONGOVA (Czech Republic) said that her Government wished to see the Convention on the Rights of the Child universally ratified and meaningfully applied during the current year, the tenth anniversary of its entry into force. Monitoring of implementation was especially important and, although the Czech Republic commended the efforts of the Committee on the Rights of the Child, it was nevertheless concerned about the negative impact of delays in its work. Accordingly, it would be a good idea to enlarge the membership of the Committee, which was why the Czech Parliament had approved the amendment to article 43, paragraph 2, of the Convention in November 1999.

25. As to child labour, the Czech Republic had endorsed the adoption of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and welcomed in particular the explicit reference to the recruitment of children for use in armed conflict (art. 3 of the Convention). The Czech Government was currently discussing the Convention and hoped to ratify it before the end of the year.

26. The use of children in armed conflicts was a major concern of the Czech Republic. Her Government was pleased that one of the principal shortcomings of the Convention on the Rights of the Child would soon be partially remedied through the adoption of the Optional Protocol on the involvement of children in armed conflicts. Children had no place on the battlefield and the involvement of persons under 18 years of age was prohibited by international law. An amendment to the Czech Military Service Act raising the minimum age for voluntary enrolment in the armed forces to 18 had entered into force in December 1999. Her Government continued to appreciate the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and welcomed the adoption of the relevant Optional Protocol. The Czech Republic paid tribute to the efforts of the many NGOs working in the field of children's rights and would cooperate with them and all interested Governments in order to enhance the protection of children's rights worldwide.

27. Mr. HU Kang-il (Republic of Korea) welcomed the adoption of the two Optional Protocols to the Convention on the Rights of the Child, which had been made possible by a general willingness to compromise. The Optional Protocols were important for two reasons. First, they laid down effective international norms in the areas which posed the greatest threat to children, namely, armed conflicts, sexual abuse and labour exploitation. Second, they reflected the will of the international community to protect children and prosecute abusers, including non-governmental entities. The next step was the development of tools to operationalize those norms. One such tool would certainly be the rapid entry into force of the amendment to article 43, paragraph 2, of the Convention, which only 66 States had accepted. Considering that the two new Optional Protocols could only increase the burdens on the Committee on the Rights of the Child, it was desirable that more countries should sign up to the amendment.

28. Almost a decade after the entry into force of the Convention and the World Summit for Children, tangible improvements had occurred in the field of children's rights. The special session of the General Assembly scheduled for September 2001 would provide an opportunity to review the progress that had been made and identify the factors that had either inhibited or encouraged positive developments. His delegation intended to contribute to the preparations for the session and hoped that it would yield tangible results.

29. Different regions sometimes had different priorities as far as efforts to protect children were concerned. In East Asia, great efforts had been made to eliminate one of the most intolerable aspects of child exploitation, namely, trafficking and the sexual exploitation of children. Two regional meetings had been held to address the issue, in Bangkok from 26 to 28 January and Manila from 29 to 31 March. They had enabled the Governments concerned to learn about the actual situation in the region. His delegation was confident that such efforts would help to eliminate trafficking of children.

30. Mr. HUSSAIN (Observer for Iraq) said that the Iraqi Government attached particular importance to the rights of children, the future of humanity, and had prioritized development programmes in the field of education and health care. The measures had yielded beneficial results for children and Iraq had almost drawn level with developed countries in that regard. His Government had ratified the Convention on the Rights of the Child in 1994 and had set up a committee to develop strategies to assist children.

31. However, the embargo that had been imposed on Iraq since 1990 had had a very negative impact on the entire population and on children in particular. According to a report by the United Nations Children's Fund (UNICEF), the infant mortality rate among children under five had jumped to 60 per 1,000 between 1994 and 1999 and to 74 per 1,000 between 1994 and 1998 in the over-five age group. One million children were malnourished and, according to the latest report by the International Committee of the Red Cross (ICRC), diarrhoea was apparently the number-one cause of death. Many children were denied access to health care and over 110,000 children had not attended school in 1999. Many of them were suffering the consequences of the unjustly imposed embargo and had been living in fear since the start of the British and American bombing campaigns. Furthermore, the use of depleted uranium by the British and Americans had led to an increase in the number of cancers and childhood diseases. Experts believed that there would also be long-term environmental consequences.

32. The Iraqi Government therefore requested the Commission to intervene in order to stop the sufferings of Iraqi children and to request the lifting of the unjust embargo.

33. Ms. DURÁN (Venezuela) said that the Venezuelan Government had put special emphasis on children in implementing social policies in the fields of education, health care and nutrition. It had also stressed the importance of protecting children in difficulty. Venezuela had therefore been actively involved in the working groups that had drawn up the two Optional Protocols. By adopting the two Protocols, the international community would strengthen its efforts in support of children. The sale of children, child prostitution and child pornography and the involvement of children in armed conflicts were all practices that harmed the mental and physical health of children, demeaned them and ran counter to the spirit and letter of the Convention.

34. The Comprehensive Safeguards (Children and Adolescents) Institutional Act had entered into force in Venezuela on 1 April 2000. The Act was part of a general effort to bring national legislation into line with the provisions of the Convention on the Rights of the Child. Considered by UNICEF as an extremely progressive instrument in the field of children's rights, the Act was one of a number of initiatives designed to improve the social, educational and legal situation of Venezuelan children. It established the right of the child to physical integrity and

protection against all forms of violence and sexual exploitation and prescribed custodial sentences for persons who passed children to third parties in exchange for money. The age of compulsory military service had been legally fixed at 18.

35. All measures to help children and adolescents should take account of the best interests of the child. The protection of children was primarily the responsibility of the family, although the State and the international community also had a role to play.

36. Ms. GEELS (Observer for New Zealand) said that, despite the progress that had been made since the adoption of the Convention on the Rights of the Child, there was a need to develop new standards to strengthen the protection of children in two areas. The provisions of the Convention concerning children in armed conflicts and the sale of children, including their sexual exploitation, were inadequate. New Zealand therefore welcomed the two draft Optional Protocols to the Convention that dealt with those issues.

37. The conclusion of negotiations on the Optional Protocol on the involvement of children in armed conflicts was a significant milestone and the working group should be commended on the manner in which it had carried out its work. By placing emphasis on the demobilization, rehabilitation and reintegration of child soldiers, the Protocol had signalled the need for practical action. The recent appointment of Child Protection Advisers in the United Nations peacekeeping missions in Sierra Leone and the Democratic Republic of the Congo was a welcome development in that regard. The Optional Protocol on the sale of children, child prostitution and child pornography was a remarkable compromise given the differences that had existed between delegations at the outset. New Zealand urged States to support the adoption of the Protocols by the Economic and Social Council and the General Assembly. It hoped that the two instruments would be opened for signature before the end of the year and encouraged all States to ratify them.

38. Agreements to adopt instruments were not enough to safeguard and protect children's rights; such instruments also had to be implemented. New Zealand acknowledged the work of the Committee on the Rights of the Child and UNICEF in that regard. Her Government also welcomed the recent adoption of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which it intended to ratify.

39. In connection with the five-year review of the Beijing Declaration and Programme of Action, New Zealand urged States to attach special importance to the needs of the girl child. Her delegation noted that the preparatory process for follow-up to the World Summit for Children was already under way and hoped that it would honestly evaluate the status of the world's children.

40. Ms. BU FIGUEROA (Observer for Honduras) said that her Government had taken practical action to ensure the effective enjoyment of children's rights. The Convention on the Rights of the Child had been the starting point for a range of measures, including the adoption of the Children's and Youth Code in 1996. Honduras had endeavoured to incorporate the provisions of the Convention into its legislation, as demonstrated by the reform of the Penal Code and the recent adoption of a new Code of Criminal Procedure.

41. Aware that the allocation of resources at national level did not satisfactorily serve the best interests of the child, the Honduran Government had established institutions such as the Social Investment Fund, which implemented poverty-reduction programmes, the Family Benefits Programme, which was targeted at mothers and children, provided that the latter were attending school and the Honduran Childhood and Family Institute, whose remit was to oversee implementation of the Convention on the Rights of the Child.

42. The establishment of a special Procurator-General's Office for children and the programmes of the Ministry of Education had reduced the number of corporal punishments inflicted on children. The Honduran Government had also elaborated a "healthy schools" project which aimed to create a favourable school, family and community environment for children. A rehabilitation and social resettlement programme had been implemented for juvenile delinquents. And the practice of detaining minors together with adults had been discontinued.

43. Public and private bodies working with young people and human rights protection organizations should pool their efforts to facilitate the integration of young people into society, guarantee their access to education and ensure that they enjoyed protection. The Honduran Government had established an Inter-institutional Commission to phase out child labour, which brought together a number of representative institutions from the public and private sectors. It was ready to accede to the Optional Protocol on the involvement of children in armed conflicts and the Optional Protocol on the sale of children, child prostitution and child pornography.

44. Ms. TAHERI (Observer for the Islamic Republic of Iran) said that priority should be given to protecting and promoting the rights of the child. Children, the future of society, should discover human rights for themselves and how to put them into practice. Schools were not the only place for such a discovery; it was vital that children should grow up in a healthy and sound environment and Governments, international organizations and NGOs all had a responsibility to create such an environment.

45 The UNICEF report entitled The State of the World's Children 2000 contained encouraging statistics. It showed that significant progress had been made since 1990 in terms of giving minors access to safe drinking water, sanitation facilities, food, education and immunization. However, progress had been too slow and many serious problems remained. At least 600 million children were currently living in poverty and hundreds of thousands were exposed to famine. It was estimated that 55 million children aged between 5 and 11 were working in hazardous conditions. Armed conflicts had taken the lives of 2 million children and injured another 6 million in the last 10 years. Such statistics were the result, inter alia, of the widening gap between developed and developing countries, a lack of adequate resources, the sharp decline in ODA and the debt burden of the developing countries.

46. The two draft Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and the sale of children, child prostitution and child pornography represented a major step forward. Despite certain shortcomings, the two instruments should make possible a strengthening of cooperation between Governments and the members of civil society.

47. The Iranian Government had taken a number of measures to protect the rights of children during the last two decades. It had allocated over 20 per cent of the annual national budget to health care, education, social security and other services targeted at children; established a primary health-care system and opened primary and secondary schools throughout the country; considerably increased the number of publications about children; and lowered the voting age in parliamentary and presidential elections to 16.

48. Ms. SCHONMANN (Observer for Israel) said that, in a landmark decision of October 1999, the Israeli Supreme Court had set a national and international precedent by imposing tort damages on a parent who had neglected children in his care. Another further important ruling in January 2000 had condemned in absolute terms the use of corporal punishment as a means of imposing discipline and raising children. That ruling, the reflection of a growing awareness in Israel, clearly showed that child abuse was unlawful as well as being immoral. It was a milestone in a long-running campaign against domestic violence and child abuse in particular, and was sequel to an earlier ruling that prohibited the use of physical punishment by teachers and other care-givers.

49. Following Israel's accession to the Convention on the Rights of the Child in 1991, the Israeli Parliament had adopted a basic law on human dignity and liberty which ensured that the rights of the child were constitutionally protected. There had been a steady increase in the number of judicial decisions based on the principles embodied in the Convention and the imposition of harsher penalties for violations of children's rights. Furthermore, the Civil Wrongs Ordinance would shortly be amended with a view to repealing a provision that provided teachers and parents with a defence against tort liability for the use of corporal punishment as a means of discipline and education.

50. Israel was undertaking wide-ranging reforms in the field of children's rights. In 1997, a special committee had been appointed to review existing legislation in the light of the Convention with a view to recommending appropriate amendments. In addition, the Israeli Parliament had recently adopted a law setting up commissions on the status of the child in every municipality. Child representatives would also sit on the commissions. Awareness-raising campaigns in the media and schools were currently in preparation.

51. Many obstacles remained in the fight against child abuse. Israel therefore urged all States and NGOs to vigorously condemn all forms of corporal punishment which were inflicted on children and which were an affront to human dignity.

52. Ms. LADAME (International Committee of the Red Cross) welcomed the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, especially the provisions prohibiting recruitment into armed forces and participation in armed conflicts of children under 18, and noted with satisfaction the willingness of States to regulate the behaviour of non-governmental entities.

53. The International Committee of the Red Cross (ICRC) had nevertheless found some shortcomings in the Optional Protocol. The obligation on States to prevent children from taking part in hostilities should also have included indirect participation, which was often just as dangerous. The provisions concerning compulsory recruitment were compromised by the fact

that voluntary enlistment under the age of 18 was still permitted. It was after all difficult to determine whether a child had or had not been recruited voluntarily. Furthermore, the dispensation given to military schools threatened to weaken the scope of the Optional Protocol. ICRC welcomed States' willingness to control the behaviour of non-governmental entities, but believed that the relevant provision was inadequate insofar as it was a moral and not a legal obligation in the eyes of international law. Moreover, it was unlikely that non-governmental entities would feel bound by a legal rule different from the one imposed on States.

54. ICRC's mandate applied not only to child soldiers, but to all victims of armed conflicts, including children. It offered special assistance to children under each of its programmes by endeavouring to meet their specific needs. Accordingly, every initiative included a component dealing with the maintenance and restoration of family ties, and considerable emphasis was placed on children's health and safety. ICRC was also active in freeing detained children and reuniting them with their families. Finally, it registered unaccompanied children and monitored them until their cases had been resolved.

55. ICRC intended to pursue its cooperation with other field-based organizations and with Governments. Together with the International Red Cross and Red Crescent Movement, it would continue to improve the situation of children in armed conflicts, in line with the plan of action adopted at the 27th International Conference of the Red Cross and Red Crescent. The International Red Cross and Red Crescent Movement had also adopted a plan of action focusing on child victims of armed conflicts which envisaged practical steps to rehabilitate and reintegrate children.

56. Mr. BERTELLO (Observer for the Holy See) said that his delegation had taken note of the adoption of the two draft Optional Protocols to the Convention on the Rights of the Child and welcomed the willingness shown by various delegations to reach a compromise and their efforts in that direction.

57. The Holy See would have preferred the draft Optional Protocol on the involvement of children in armed conflicts to have established 18 years as the minimum age both for compulsory and for voluntary enlistment in armed forces. It was sometimes difficult to tell whether such a decision by a child was genuinely voluntary and free. Children might wish to enlist to demonstrate their strength and maturity. Alternatively, they might enrol as a result of peer pressure, be sucked into the armed forces by the surrounding culture of violence, or join out of a desire to avenge deaths in their family. Other problems were the low level of education among child recruits, whose schooling had been interrupted, and the fact that their involvement in hostilities was dependent on the economic, social and cultural situation of their family and community. The adoption of the new Optional Protocol should therefore go hand in hand with effective preventive work, for example, policies that took account of the child's personality and met his needs and those of his family or the community in which he lived.

58. The campaign against the sexual exploitation of children necessitated the intervention and cooperation of all parties involved in the upbringing of young people: the family, educational and social institutions and religious communities. A special responsibility devolved on the civil authorities, which needed to ensure that young people were adequately integrated both socially and economically. The Holy See stressed the importance of drawing up and

putting into effect a blueprint for society based on respect for and protection of the human being. The erosion of family and community values and the exaltation of a lifestyle in which money was considered the supreme value had possibly contributed to the magnitude of the problem. Even allowing for the fact that its provisions were not exhaustive, the adoption of the Optional Protocol on the sale of children, child prostitution and child pornography was still an important step forward in proscribing crimes against children.

59. Ms NOGUCHI (International Labour Organization) said that ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which had been adopted unanimously the previous July, aimed to protect tens of millions of children from forcible recruitment into armed forces, prostitution, pornography, slavery, trafficking, debt bondage and hazardous work. The ILO had therefore taken a keen interest and participated as an observer in the elaboration of the two draft Optional Protocols to the Convention.

60. The ILO was grateful to the United Nations and its human rights protection bodies for their interest in Convention No. 182 and especially to the Committee on the Rights of the Child, which had encouraged the States parties to the Convention on the Rights of the Child to ratify the new ILO convention. Thanks to that support and increased international awareness of the problem of child labour, States had been quick to ratify the new instrument, which was due to take effect in November 2000, thereby supplementing Convention No. 138, which called for the effective abolition of all forms of child labour. The large number of ratifications indicated that over half the member States of the ILO were committed to that goal. The two Conventions were regarded as "core instruments" in that they articulated basic principles and rights in the workplace which had been the subject of a solemn declaration adopted at the International Labour Conference in June 1998.

61. By virtue of their membership of the ILO, States had an obligation to promote and pursue the effective abolition of child labour, focusing their attention on the most blatant manifestations. To ensure that the Conventions prohibiting child labour were observed in practice, worldwide measures needed to be taken. One innovative feature of the new Convention was its appeal for international cooperation and assistance. The ILO was helping member States to combat child labour in the field through specific projects forming part of its International Programme on the Elimination of Child Labour (IPEC).

62. Convention No. 182 covered all persons aged under 18 in line with the definition of the child contained in the Convention on the Rights of the Child. It was the ILO's hope that the two Optional Protocols and Convention No. 182 would complement and reinforce each other.

63. Ms. SANTOS PAIS (United Nations Children's Fund) said that, overall, statements made in the Commission on Human Rights indicated the gap between legal rules and the harsh reality faced by millions of people, particularly children. Accordingly, UNICEF was convinced that children's rights should be mainstreamed throughout the Commission's work.

64. UNICEF welcomed the opportunity to contribute to the process leading up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, regarding it as another opportunity to focus the debate on children's rights. Children should be a bridge between cultures, religions and races, and a means of building societies that were more

tolerant and understanding towards one another. The general discussion planned by the Committee on the Rights of the Child on violence against children would also provide an opportunity to associate major human rights mechanisms with the movement for children's rights. UNICEF hoped that the discussion would mark the beginning of a more institutionalized dialogue between the mechanisms of the Commission, other relevant partners and UNICEF.

65. Important steps had been taken in 1999 to strengthen the protection of children's rights. In the area of juvenile justice, for example, UNICEF had organized an international meeting to enhance cooperation on follow-up to the recommendations of the Committee on the Rights of the Child, especially with regard to law reform, capacity-building and institutional development. UNICEF was also encouraged by the fruitful working relationship it had developed with the Special Representative of the Secretary-General on the impact of armed conflict on children and the Special Rapporteur on the sale of children, child prostitution and child pornography. Lessons learned from their mandates would pave the way for the consideration of new standards with regard to the protection of children. UNICEF welcomed the completion of the work on the two Optional Protocols to the Convention on the Rights of the Child and hoped that they would be adopted at the forthcoming session of the General Assembly, whereupon UNICEF would actively press for their ratification and future implementation. It hoped that, on the basis of the Convention, States would endeavour to guarantee the highest level of protection for children at all times. In that spirit, UNICEF urged State parties intending to ratify the Optional Protocol on the involvement of children in armed conflicts to issue a declaration establishing 18 as the minimum age for recruitment into armed forces. Moreover, States ratifying the Optional Protocol on the sale of children, child pornography and child prostitution should express their commitment to be guided by the best interests of the child in enforcing it effectively.

66. A special session of the General Assembly was due to be held in 2001 to review the progress achieved since the World Summit for Children. The preparation for the special session should bring together all relevant actors. But the groundswell in favour of children should go beyond a formal preparatory process. It should involve an alliance of all stakeholders, thereby helping to ensure that the best interests of the child were kept at the heart of the debate. The decisive support of the Commission in that process was crucial and would indicate that the international community was prepared to put children in the forefront of its agenda.

67. Mr. NGOUBEYOU (Observer for Cameroon) said that the signature and ratification of the Convention on the Rights of the Child by a significant number of States, including Cameroon, was an encouraging indicator of the international community's interest in children, one of the most vulnerable groups in society and the future of humanity.

68. Since children were the first innocent victims of war, Cameroon welcomed the final version of the Optional Protocol on the involvement of children in armed conflicts and strongly endorsed the idea of raising the minimum age for the enlistment of children into armed forces. His Government thanked Mr. Olara Otunnu, the Special Representative of the Secretary-General on the impact of armed conflict on children, for his excellent work in apprising the international community of the urgent need for vigorous action in order to spare children the consequences of adult folly. As part of the campaign against the sale of children for sexual purposes, prostitution and pornography, appropriate measures were also called for to protect girls, in particular, against sexual abuse; to strengthen national laws against the worst forms of child labour, paedophilia and

child pornography; to establish an electronic surveillance network to prevent the improper use of the Internet for pornographic purposes; and to involve the family, civil society and the media in protecting the rights of the child.

69. Because education played a crucial role in the implementation of the basic rights of children, Cameroon fully endorsed the conclusions in the report by Ms. Tomasevski, the Special Rapporteur on the right to education (E/CN.4/2000/6 and Add.1 and 2). In Cameroon, education occupied a key position in the fight against the vicious circle of ignorance, illiteracy, idleness and delinquency. The President of the Republic had recently resolved that primary education, hitherto compulsory, should also be free of charge for all children, including refugee children, with effect from September 2000. Moreover, the competent national authorities were endeavouring to create conditions to promote equal opportunities for girls and boys.

70. His delegation particularly welcomed UNICEF's efforts to help children and was grateful for its assistance in organizing the mini-summit of African children in Yaoundé in 1996 and children's parliamentary sessions in 1998 and 1999. The latter had been attended by children from all social backgrounds, who had questioned Government ministers on various issues affecting the future of young people. The tragic fate of children who lived or worked in the streets, where they were exposed to delinquency or drug addiction, merited special attention. The Cameroonian Government was continuing to pursue comprehensive solutions to their problems of integration and survival. The assistance of the international community was required to support the Government's practical efforts and to put into effect projects and initiatives designed to improve the situation of particularly vulnerable groups.

71. Mr. GASPERONI (Observer for San Marino) stressed the need for all Member States of the United Nations to accede without reservations to the Convention on the Rights of the Child and to implement its provisions in full. In order to mark the tenth anniversary of the Convention's entry into force, the Government of San Marino had decided to issue four postage stamps which represented the basic principles of the Convention and would be made available to the most prestigious philatelic clubs in the world and to the general public. The proceeds from the sale of the stamps would be devoted entirely to children through the San Marino National Committee for UNICEF.

72. Most of all, 2000 also marked a new phase in the protection of the rights of the child, namely, the adoption by the Commission's two working groups of the twin draft Optional Protocols to the Convention. His Government believed that the Optional Protocol on the involvement of children in armed conflicts already contained positive provisions that strengthened safeguards for children's rights, but, in the near future, it would be possible to impose a total ban on the recruitment into armed forces and the participation in armed conflicts of children under 18. San Marino intended to ratify the two instruments as soon as possible. His delegation also thanked the many NGOs which had made notable efforts to raise international public awareness of the rights of the child in the last few years and whose action had made possible the adoption in 1999 of ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which San Marino had since ratified.

73. The situation of children throughout the world was a topic of growing concern which had assumed truly dramatic proportions in areas badly affected by poverty, where thousands of children died every day as a result of preventable illnesses or became infected with HIV. In developed countries, unemployment, violence, crime and drug addiction among children and young people were the most serious problems. There was still an enormous amount of work to be done to ensure the physical, mental, spiritual, moral and social development of every child, in line with article 27 of the Convention. The international community needed to set about that task immediately and take urgent and effective measures to protect the environment so that future generations could enjoy the planet's resources.

74. Ms. GORGIEVA (Observer for the Former Yugoslav Republic of Macedonia) said that, because appalling violations of the most elementary rights of children were related to extreme poverty, the international community should make the elimination of poverty a priority. It was to be hoped that, at the special session of the General Assembly on the follow-up to the World Summit on Social Development, proper attention would be paid to promoting measures to counteract extreme poverty and its negative effects on children. The forced recruitment of children into armed forces was another very serious violation of their rights and her Government unreservedly endorsed the adoption of the Optional Protocol on the involvement of children in armed conflicts. It also welcomed the completion of the work on the Optional Protocol on the sale of children, child prostitution and child pornography.

75. The Former Yugoslav Republic of Macedonia had spared no effort to alleviate the sufferings of children traumatized by the war in Kosovo. To that end, it had provided all refugee children with humanitarian assistance and free medical services and education. At the national level, her Government had endeavoured to take more effective measures to ensure the enforcement of the child protection standards contained in international instruments and domestic law. Believing that only an independent body could monitor such matters, the Government had taken the initiative of establishing an ombudsman for children, the only post of its kind in the region and something of a rarity in Europe as a whole. The ombudsman had drawn up a plan of action for children which was currently being implemented. A brochure outlining the role of the ombudsman had been widely distributed during his tour of various cities in Macedonia.

76. Furthermore, in accordance with its commitments under the Convention on the Rights of the Child, to which it was a signatory, the Former Yugoslav Republic of Macedonia had submitted a report on its implementation of the Convention to the Committee on the Rights of the Child and a constructive dialogue had ensued. The recommendations formulated by the Committee following its consideration of the report had been carefully studied. The Government recognized the need to coordinate its various activities relating to children and, in the near future, it intended to establish a National Committee on the Rights of the Child to prepare a national long-term strategy for the promotion of children's rights and for the follow-up to the implementation of the Convention. To that end, her Government would work with UNICEF and other international organizations involved in protecting children's rights.

77. Mr. BAKRADZE (Observer for Georgia) said that Georgia had acceded to the Convention on the Rights of the Child in April 1994 and had incorporated the provisions thereof into its domestic legislation. The rights of children as enshrined in the Convention, especially

the right to education, health care and personal development, were the fundamental principles that underpinned Georgian legislation designed to protect children's interests. Regrettably, however, the effective implementation of those laws had been hampered by a number of external factors, the most significant being the violation of Georgia's territorial integrity by Abkhaz separatists, as a result of which more than 200,000 ethnic Georgians, including 60,000 children, had been expelled from their homes. The conflict in Abkhazia had had very unfortunate consequences as far as the implementation of the rights of the child was concerned. The Abkhaz separatists had burned down nearly all the Georgian schools or turned them into markets with the intention of eradicating the use of the Georgian language in the region. Local children had been deprived of access to basic health care and forced to work in citrus plantations.

78. The situation of children who had been internally displaced by the conflict and were living in Government-controlled areas was scarcely better in view of the serious economic and financial problems besetting the country and hundreds of children had become waifs and beggars. It was therefore vitally important that the international community should continue to provide humanitarian assistance. The Georgian Government wished to thank the donor countries, government organizations and NGOs which had assisted those children. It expected great things from the implementation of the Plan of Action for 2001-2005, which was being jointly elaborated with UNICEF.

79. Ms. NAIKER (Observer for South Africa) said that the damaging legacy of apartheid would take a long time to be eradicated completely and that the underdevelopment which permeated the entire political, economic and social structure of South African society was affecting the growth, development and social welfare of children. The Constitution enshrined the principles contained in the Convention on the Rights of the Child, which South Africa had ratified in 1994, notably the principle of the best interests of the child. The Government was determined to promote and protect the human rights recognized in the Constitution and it therefore had developed a National Programme of Action for Children which mainstreamed children's issues into the work of all Government departments. The Programme was being coordinated by the Minister in the President's Office and the Office on the Status of Children. The Government had also embarked on a national campaign to mobilize the necessary resources to raise public awareness of the problem of HIV/AIDS, which affected women and children in particular, and to find alternative care for orphans whose parents had died of AIDS. The campaign against the HIV/AIDS pandemic called for a holistic approach and close partnership between all the relevant partners. Moreover, South Africa was the venue for the XIII International AIDS Conference due to be held in July 2000.

80. Pursuant to its obligations under the Convention on the Rights of the Child, South Africa had submitted its initial report to the Committee on the Rights of the Child and would endeavour to implement the various recommendations made by the Committee following its consideration of the report. South Africa had also ratified the African Charter on the Rights and Welfare of the Child, which was an important regional instrument concerning children. The Charter had already entered into force and the Government intended to ensure that it was duly implemented.

81. South Africa condemned the use of children in armed conflicts and therefore welcomed the adoption by consensus of the relevant Optional Protocol to the Rights of the Child. It regretted, however, that the Working Group entrusted with drafting the Optional Protocol had

been unable to reach agreement on making 18 the minimum age for the military recruitment of children. Lastly, urgent steps needed to be taken both nationally and internationally to tackle the sexual exploitation and trafficking of children. Consequently, South Africa also welcomed the adoption of the Optional Protocol on the sale of children, child prostitution and child pornography.

82. Mr. STAHLHOFER (World Health Organization) said that there was an intrinsic relationship between health and human rights, which explained why the World Health Organization (WHO) had adopted a comprehensive strategy that placed strong emphasis on human rights and the right to development. An essential element of the strategy was the organization's commitment to place the rights of the child at the centre of its work.

83. In recent years, WHO had drawn the attention of the Commission to the alarming situation of young children, whose rights and needs were all too often neglected. Every year, more than 1 million adolescents died as a result of accidents, suicide, violence, pregnancy-related complications and illnesses that were either preventable or curable. The international community, and especially actors in the field of human rights, should pay close attention to the problem. Although the Convention on the Rights of the Child applied to girls and boys in equal measure, emphasis was often placed - and rightly so - on violations of the rights of girls. WHO wished to remind the Commission that the specific vulnerabilities of boys needed to be recognized as well.

84. Adolescent boys were generally perceived to be healthy, but such a view was inaccurate. Boys were socialized to be independent and they were consequently reluctant to seek social and emotional help. Their health and development were impaired as a result. Road traffic accidents in many countries and homicide in the Americas and certain countries in transition were the principal causes of death among young males. Worldwide, there were more suicides among boys than girls. Boys also formed the majority of homeless street children, who were exposed to various dangers such as exploitation, violence, abuse, HIV infection and risk-taking behaviour such as tobacco use and intravenous drug injection. Furthermore, while the sexual and reproductive health rights of girls were now increasingly recognized, similar attention had not been paid to the rights of boys, a situation which had repercussions for the health of both sexes. The fact that one in four persons infected with HIV was a young male under 25 highlighted the urgent need for preventive measures to be taken during adolescence.

85. The failure to address the health and development of adolescents was a denial of human rights as defined in the Convention on the Rights of the Child and other human rights instruments. The Convention referred to the role of families in guiding and supporting adolescents, a task in which they should be assisted by the State. The views of young people on matters that concerned them also needed to be taken into account. WHO's work with adolescents was underpinned by those principles.

86. WHO urged member States to pay close attention to the health of adolescents and young children as part of their reporting obligations under the Convention and other relevant human rights instruments. Governments needed to collate information disaggregated by sex and age, thereby enabling them to identify and respond more effectively to the particular problems of specific groups. States should take whatever measures were necessary to implement the

Convention in full and should avail themselves of the technical expertise of WHO in that regard. They should also realize that their efforts needed to go beyond the health sector. Strategies should be formulated to ensure that adolescents had access to appropriate information, counselling and health services that were responsive to their needs, especially with regard to their reproductive and sexual health needs and the protection of their right to privacy. Lastly, it was necessary to ensure full participation by adolescents in the identification of their needs and to take account of the differing requirements of boys and girls.

87. Mr. MARTINS (Observer for Angola) said that the adoption of the Convention on the Rights of the Child by the General Assembly and of the African Charter on the Rights and Welfare of the Child by the Organization of African Unity (OAU) demonstrated the importance which the international community attached to protecting children's rights. Many countries had also adopted national laws which enshrined and protected the rights of the child. Thus, in Angola, as well as a youth court, there was a special court for hearing child-related cases and the Family Code, which dealt with questions such as adoption, guardianship of minors, exercise of paternal authority and proof of paternity or maternity, aimed to address a range of issues concerning children.

88. However, children's rights were not always protected during conflicts. Children caught up in such conflicts were deprived of education and left homeless. Orphaned, they lived in the streets where they were prey to all manner of vices such as prostitution, pornography, drug addiction and delinquency. They frequently became the victims of traffickers. Those problems had already been addressed in various resolutions of the Commission on Human Rights and it was essential that all States should implement and abide by them. The Commission should adopt a further resolution on the impact of armed conflicts on children.

89. Mr. Ibrahim (Sudan) took the Chair.

90. Mr. ACEMAH (Observer for Uganda) said that a number of significant developments had taken place since the publication of the report of the Secretary-General on the abduction of children from northern Uganda (E/CN.4/2000/69). On 28 January 2000, a total of 21 Ugandans, including a group of abducted children, had been released from captivity in the Sudan pursuant to a bilateral agreement signed by the Presidents of Uganda and the Sudan in Nairobi (Kenya) on 8 December 1999. On 6 April 2000, a second batch comprising 51 people had been released. During their return journey, the captives had been accompanied by senior officials of the Sudanese Government and officers from the Sudanese army. The Government and people of Uganda appreciated the Sudanese gesture and urged the Government of the Sudan to continue to demonstrate its commitment to the Nairobi Agreement. His Government also thanked the Commission for its assistance in efforts to secure the immediate and unconditional release of all abducted children and the Carter Center for its role in brokering the Nairobi Agreement, to which the Ugandan Government was firmly committed. However, a number of abducted children were still being held in intolerable conditions in the Sudan and the Commission should therefore continue to exert pressure to ensure their early release and safe return to Uganda. His delegation intended to introduce a relevant draft resolution.

91. The Ugandan Government noted that the aforementioned report of the Secretary-General had failed to take account of the request made by the Commission in paragraph 12 of its

resolution 1999/43, namely, that the Secretary-General should report on the implementation of the said resolution to the Commission at its fifty-sixth session. The report was unacceptable and fell far short of the standards to be expected of United Nations documents. His delegation hoped that the Secretary-General would send a mission to the affected regions in the near future in order to assess the implementation of the Commission's resolution. The full implementation of the resolution was crucial to securing the immediate and unconditional release of all abducted Ugandan children.

92. Ms. CASSAM (United Nations Educational, Scientific and Cultural Organization) said that more than 120,000 children aged under 16 were involved in armed conflicts in Africa. They not only endured the hardships of military life, but also suffered from malnutrition, malaria and sexually transmitted diseases; for the most part, they were also illiterate. The problem of child soldiers, like that of the increasing number of out-of-school children, was a matter of grave concern and it was therefore essential to launch an urgent programme of demobilization, adjustment and rehabilitation into the social and economic fabric of the countries concerned. A number of African countries had already requested the assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in formulating an appropriate strategy and implementing an approach along such lines.

93. Demobilization was the most delicate, but also the most rapid phase of the process if all the conditions were right, i.e. if there was a genuine and clearly expressed political will and firm commitment on the part of belligerents and exploiters of children. On the other hand, adjustment and integration were the phases that consumed the most time and resources. While it was easy to send demobilized children to traditional schools, such a solution was the least suitable because it failed to recognize that such children had been forced to grow up quickly, that many had enrolled in the army to escape poverty and that traditional school programmes were frequently divorced from real life and were not based on active and participative teaching methods. Accordingly, UNESCO had developed an express-training strategy for demobilized child soldiers aimed at rehabilitating them and reintegrating them into society. It involved placing the child for five or six months in a youth centre where he would receive rudimentary practical training and then sending him to a model farm or skills centre where he would be given vocational training with a view to integrating him into a village community, preferably in a rural area, where he would work alongside other villagers.

94. A quick and definitive solution to the problem of child soldiers was one of the preconditions of peace and sustainable development, but it required substantial resources and hence genuine cooperation between the various interested partners. UNESCO stood ready to participate in such an undertaking and share its experience with all its partners and the Special Representative of the Secretary-General for children and armed conflict, whose outstanding efforts on behalf of child soldiers should be commended.

95. Mr. AL-JASSAM (Observer for Kuwait) said that respect for the rights of the child was the basis for the establishment of a healthy society in which everyone could exercise his or her rights freely and fully. Kuwait was aware of the need to make the rights of the child a reality; it had been one of the first countries to ratify the Convention on the Rights of the Child and prioritize the protection of their rights.

96. A number of measures had been taken to protect the health and promote the development of Kuwaiti children. The country boasted a variety of medical and educational establishments where specialized personnel catered for the needs of all kinds of children, particularly disabled children and children with learning difficulties. The Social Centre for Women and Children supervised children's homes and recreation centres to which all children enjoyed free access. The National Commission for Education, Science and Culture also provided direct or indirect services to mothers and children. Training centres boasting all manner of modern equipment were designed to develop children's potential.

97. Children were the country's future; it was therefore essential to prepare a decent life for them in society and to bring them up in a spirit of peace, tolerance, freedom and human fellowship.

The meeting rose at 6.05 p.m.